**Serial No.01**
**Regular List**

# HIGH COURT OF MEGHALAYA
# AT SHILLONG

WP (C) No.272/2020

Date of Order: 12.10.2020

Mording Dorphang Vs. State of Meghalaya & ors

**Coram:**

**Hon'ble Mr. Justice Biswanath Somadder, Chief Justice**
**Hon'ble Mr. Justice H.S. Thangkhiew, Judge**

**Appearance:**

For the Petitioner/Appellant(s) : Mr. S Dey, Adv
For the Respondent(s) : Mr. ND Chullai, AAG with
Mr. A Kharwanlang, GA for R/1

i) Whether approved for reporting in Law journals etc.: No

ii) Whether approved for publication in press: No

**Court:-**

The subject-matter of challenge in the instant writ proceeding are essentially two orders; (i) an order dated 17.08.2020 passed by the Under Secretary to the Executive Committee, Khasi Hills Autonomous District Council, Shillong, addressed to The Syiem, Khyrim Syiemship and (ii) an order dated 02.09.2020 issued by the Syiem, Khyrim Syiemship, Smit, addressed to the private respondent No.6. For convenience, the two orders are reproduced hereinbelow:-

"OFFICE OF THE EXECUTIVE COMMITTEE,
KHASI HILLS AUTONOMOUS DISTRICT COUNCIL,
SHILLONG

No.DC.XXVII/Genl/116/2013-2020/5/132 Dated Shillong, the 17th August, 2020

To,
The Syiem, Khyrim Syiemship,
Khyrim Syiemship.

Subject: Matter related to Sordar Raid Madan Kyrdem, Khyrim Syiemship.

Syiem,

With reference to the subject cited above, I have been directed to inform you that the Executive Committee, Khasi Hills Autonomous District Council, Shillong, through the Executive Member I/c Elaka Admn. etc, has directed you to suspend

Shri. Mording Dorphang as the Sordar, Raid Madan Kyrdem and to appoint Shri. Pholning Makdoh as the Acting Sordar to temporarily look after the administration of Raid Madan Kyrdem till issuance of new order.

At the same time, you are directed to conduct enquiry upon Shri. Mording Dorphang, suspended Sordar of Raid Madan Kyrdem, Khyrim Syiemship.

Yours sincerely,
Sd/-
Under Secretary to the Executive Committee,
Khasi Hills Autonomous District Council,
Shillong.

OFFICE OF THE SYIEM OF KHYRIM SYIEMSHIP :: SMIT ::

No.KS.-22//R.Kyrdem/2019-20/96-102 Dated Smit, 2nd September, 2020

To,
Shri. Pholning Makdoh,
Acting Sordar Raid Madan Kyrdem.

Sir,

I am pleased to inform you that this Dorbar, after suspended Shri. Mording Dohphang as the Sordar of Raid Madan Kyrdem, as per the direction of the Executive Committee of Khasi Hills Autonomous District Council, Shillong, has resolved that the Deputy Syiem and the Lyngdoh Nongkrem will come and hand over charge as the Acting Sordar Raid Madan Kyrdem on the 7th September 2020 at 9AM at the Dorbar Hall Raid Madan Kyrdem.

You are requested to arrange the needful.

Thanking you,

Yours faithfully,
Sd/-
Syiem, Khyrim Syiemship,
Smit"

सत्यमेव जयते
HIGH COURT OF MEGHALAYA

The writ petitioner has been suspended pending enquiry. The writ petitioner has raised several issues in the instant writ petition which includes challenging the *vires* of the second proviso under section 9 of the United Khasi-Jaintia Hills Autonomous District (Appointment and Succession of Chiefs and Headmen) Act, 1959.

In the facts and circumstances of the case, however, we may not be required to embark into a detailed enquiry into the matter sitting in judicial review for the simple reason that the issues sought to be raised before us in the instant writ petition are no more *res integra*, being fairly and squarely covered by the judgment of the Hon'ble Supreme Court in Civil Appeal No.4882/2002 (arising out of SLP (C) No.379/2002) – ***Khasi***

***Hills Autonomous Dist. Council Vs. Charlestone Sohtun & ors***. This judgment of the Hon'ble Supreme Court was rendered on 09.08.2002.

Considering the facts and circumstances as stated above and without going into the merits of the order of suspension pending enquiry issued against the writ petitioner, we dispose of the writ petition with a direction upon the concerned authority, namely, the respondent No.5, being the Syiem of Khyrim Syiemship, Smit, Meghalaya, to proceed with the enquiry and take a decision in the matter as expeditiously as possible, preferably within a period of six weeks from date of communication of a photostat certified copy of this order.

The respondent No.5, needless to mention, shall not be influenced in any manner by this order and shall take a decision in the matter strictly in accordance with law.

Since no affidavits have been called for, allegations made in the writ petition as against the respondents shall be deemed to be not admitted by the respondents.

Writ petition stands disposed of accordingly.

In view of the above order, Miscellaneous Case No.149 of 2020, stands disposed of accordingly.

**(H.S. Thangkhiew)**
**Judge**

**(Biswanath Somadder)**
**Chief Justice**

Meghalaya
12.10.2020
***"lam AR-PS"***