Serial No. 22
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 351 of 2020

Date of Order: 14.12.2020

Coal Truck Driver and Handymen Welfare Union (Operating in Garo Hills). Vs. State of Meghalaya & 2 Ors.

Coram:

Hon'ble Mr. Justice Ranjit More, Judge.

Appearance:

For the Petitioner/Appellant(s) : Mr. A.H.Hazarika, Adv.

For the Respondent(s) : Ms. S.G.Momin, Addl. Sr. GA.

1. Heard.

2. The petitioner claims to be an association registered under the Meghalaya Societies Registration Act, 1983 for protection of their common interest and for ensuring welfare of its members who are engaged in driving and maintenance of transport vehicles i.e. Trucks particularly engaged in transportation of coal. The petitioner claims that they are having its registered office at village – Wageasi, P.O. Dainadubhi, District North Garo Hills, Meghalaya.

3. The grievance of the petitioner is that the police personnel under respondents No. 2 & 3 have started interfering with the functions of the petitioner society, particularly in its enrollment of members, renewal of membership and collection of membership fees, subscription etc. from its enrolled or registered members. In the light of the grievance, relief is sought for direction to the respondents to refrain from interfering with the lawful activities of the petitioner.

4. Learned Addl. Sr. GA, having taken instruction make a statement that the respondents are not interfering in the work of the petitioner society. She submits that sometimes the petitioner society also collects the membership

fees and other charges from the truck drivers who are not its members which cannot be allowed.

5. Learned counsel for the petitioner submits that statement is made in the petition that they are collecting membership fee and subscription only from its members. He further state that the petitioner will not collect membership fee or subscription etc. from the truck drivers who are not members of the petitioner association. Statement accepted.

6. Learned Addl. Sr. GA also make a statement that if the petitioner association is not collecting membership fee or subscription etc. from other truck drivers, then respondents No. 2 & 3 shall not interfere in the working of the petitioner association.

7. In the light of the above statements, I dispose of this petition by passing following order:

(i) The petitioner association shall not collect membership fee or any charges whatsoever from any of the truck drivers who are not its members.

(ii) The respondents No. 2 & 3 or the police personnel working under them shall not interfere in the petitioner's lawful activities.

(iii) If the respondents No. 2 & 3 or the police personnel under them finds that the activities carried out by the petitioner association are not lawful, in that event, they are entitled to take appropriate action.

8. Petition accordingly stands disposed of.

Judge

Meghalaya
14.12.2020
"Samantha PS"