Serial No.06
Suppl. List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP (C) No. 428 of 2020 Date of Order: 15.12.2020

Shri. Malbi Timung. **Vs.** Jaintia Hills Autonomous District Council & 2 Ors.

Coram:

Hon'ble Mr. Justice Ranjit More, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. K. S. Kynjing, Sr. Adv. with
Ms. Y. Shylla, Adv.

For the Respondent(s) : Mr. P. Nongbri. Adv.

Heard.

By this petition filed under Article 226 of the Constitution of India, petitioner is challenging the order passed by the respondent No.1 dated 04-12-2020 whereunder he is removed from the post of Waheh Shnong (Headman) of Ksehrynshang village.

Admittedly, the petitioner's removal was under Section 28 of The Jaintia Hills Autonomous District (Establishment of Elaka and Village and Election, Appointment, Powers, Functions and Jurisdiction of Dolloi/Sirdar and Waheh Shnong) Act, 2015.

It is further admitted that under Section 29 of the said Act, appeal is provided to the Tribunal Constituted by the Executive Committee of the Jaintia Hills Autonomous District Council. Since, the alternative remedy of statutory appeal is available to the petitioner which, in my view, is efficacious, I am not inclined to entertain this petition. Petition is accordingly disposed of with following directions: -

(1) Petitioner is at liberty to file an appeal under Section 29 of the Jaintia Hills Autonomous District (Establishment of Elaka and

Village and Election, Appointment, Powers, Functions and Jurisdiction of Dolloi/Sirdar and Waheh Shnong) Act, 2015.

(2) In the event, petitioner files such appeal before respondent No.1 directed to constitute the Tribunal within the period of 2 (two) weeks from the date of the filing of the appeal.

(3) Tribunal referred in Clause 2, such dispose of the said appeal of the petitioner within the period of 90 (ninety) days from the date of the constitution thereof.

(4) Petitioner is entitled to take benefit of Section 14 of the Limitation Act for the period during which present proceedings were pending.

Judge

Meghalaya
15.12.2020
"Biswarup PS"