
(2014) 09 MEG CK 0029
In the Meghalaya High Court
Case No : WP (C) No. 331/2013

Amoswell K. Bani

APPELLANT

Vs

State of Meghalaya

RESPONDENT

Date of Decision : 24-09-2014

Acts Referred:

Citation : (2014) 09 MEG CK 0029

Hon'ble Judges : T. Nandakumar Singh, J

Bench : Single Bench

Final Decision : Partly Allowed

Judgement

T. Nandakumar Singh, J.—Heard Mr. P.N. Nongbri, learned counsel for the petitioners and Ms. N.G. Shylla, learned GA appearing for the respondents.

2. This writ petition is concerned with the creation of a new District, South West Khasi Hills District of the State of Meghalaya. This Court is very conscious with the limited jurisdiction of judicial review of policy decision of the Govt. This Court, by invoking writ jurisdiction, is not interfering with the policy decision of the Govt. for that a different policy would have been more logical and also it is fairly settled that the policy decision of the Govt. cannot be interfered only on the ground that suggestion or new policy put by the writ petitioners is better than the policy decision taken by the Govt. However, this Court is concerned only with the decision making process or policy making process.

3. The petitioners are the residents of Warsanlyngdoh Area, which was under West Khasi Hills District now included with South West Khasi Hills District. The petitioners had filed a representation dated 11.04.2012 to the Chief Secretary to the Govt. of Meghalaya expressing their difficulties in inclusion of Warsanlyngdoh Area in the new District i.e. South West Khasi Hills District. It is also stated that the said representation is still lying unattended. It is the further case of the petitioners in the present writ petition that in the case of the residents of Saw Symper Area, which was under East Khasi Hills District, they were given public

hearing on 27.07.2012 at 10:30 AM at St. Fernando Secondary School, Langsymphut regarding the inclusion of Saw Symper Area in the new District i.e. South West Khasi Hills District. But in the case of the petitioners, they are not afforded with public hearing regarding inclusion of Warsanlyngdoh Area in South West Khasi Hills District.

4. Ms. N.G. Shylla, learned GA appearing for the respondents contended that the inclusion of Warsanlyngdoh Area in South West Khasi Hills District is rationale and also for the benefits of the residents of the new District i.e. South West Khasi Hills District. This Court is not going to decide the merit and demerit of the policy decision of creating new District i.e. South West Khasi Hills District, but the Court is concerned only with the decision making process. Mr. P.N. Nongbri, learned counsel for the petitioners strenuously contended that the decision making process for the creation of new District i.e. South West Khasi Hills District is not transparent but discriminatory. In the case of the residents of Saw Symper Area, previously under the East Khasi Hills District, they were given an opportunity of public hearing as to the merit and demerit for inclusion of their area in the new District i.e. South West Khasi Hills District and such opportunity of public hearing was not available to the present writ petitioners, who are the residents of Warsanlyngdoh Area. It is fairly settled that the policy taking procedure should be transparent and fair. As provided to the residents of Saw Symper Area a public hearing, the petitioners should also be afforded public hearing as to the merit and demerit and grievances of the petitioners in inclusion of Warsanlyngdoh Area in South West Khasi Hills District. It is made clear that this Court is not making any comment regarding the merit and demerit of public policy of the Govt. of Meghalaya in creating the new District called South West Khasi Hills District.

5. In the above factual backdrop, this writ petition is disposed of with the limited relief only to the extent that the petitioners who are the residents of Warsanlyngdoh Area, shall be given public hearing in the manner the authority had given public hearing to the residents of Saw Symper Area, which was also under West Khasi Hills District within a period of four months from the date of receipt of a certified copy of this judgment and order. It is made clear that the Govt. of Meghalaya in its wisdom can take appropriate decision after public hearing.

6. Writ petition is allowed to the extent indicated above.

7. The Registry is directed to furnish a copy of this judgment and order to the learned counsel appearing for the parties.