
(2015) 06 MEG CK 0023
In the Meghalaya High Court
Case No : Writ Petition (C) No. 218 of 2014

B.E. Myllem Umlong and Others

APPELLANT

Vs

Khasi Hills Autonomous District and Others

RESPONDENT

Date of Decision : 05-06-2015

Acts Referred:

Citation : (2015) 06 MEG CK 0023

Hon'ble Judges : T. Nandakumar Singh, J

Bench : Single Bench

Advocate : N.D. Chullai, Senior Advocate and B. Khyriem, for the Appellant; P.S. Nongbri, Advocates for the Respondent

Final Decision : Disposed off

Judgement

T. Nandakumar Singh, J.

1. Heard Mr. N.D. Chullai, learned senior counsel assisted by Mr. B. Khyriem, learned counsel for the petitioners, Ms. P.S. Nongbri, learned counsel for the respondents No. 1-3, Mr. P.N. Nongbri, learned counsel for the respondent No. 4, Mr. J.M. Thangkhiew, learned counsel for the respondents No. 5-21, 23-46, 48-64 and Mr. H. Kharmih, learned counsel for the respondents No. 22, 47 and 67.

2. This is the second round of litigation regarding the election to the office of Headman of Lawmei Pdengshnong village, Myllem Syiemship. In the earlier writ petition filed by the present respondent No. 5 i.e. WP(C) No. 183/2013, this Court had passed the order dated 13.12.2014 directing the respondent No. 4 Syiem of Myllem that while conducting the election, all eligible voters who are the permanent members of the respective village should be allowed to take part in the Durbar as well as in the election. The said order of this Court dated 13.02.2014 passed in WP(C) No. 183/2013 reads as follows:-

"13.02.2014

Heard Mr. S. Wahlang, learned counsel for the petitioner.

Also heard learned Sr. counsel, Mr. V.G.K. Kynta assisted by Mr. R. Thangkhiew, learned counsel.

The learned counsel, Mr. S. Wahlang submitted that the matter has already been settled as an order was passed by the Joint Secretary to the Executive Committee, KHADC, Shi Hong addressed to the Syiem of Hima Myllem, Myllem Syiemship respondent No. 2 directing him to conduct the election to elect the headman of the village of Lawmei Pdengshnong. And also directed that all real inhabitants of the village of Lawmei Pdengshnong should be given a chance to take part in the Durbar and the election.

I have perused the translating copy of the letter dated 22.01.2014 which speaks as follows:

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

No. DC. XXVII/Genl/11/96-2014/69 Dated: Shillong, the___January, 2014

To,

The Syiem of Hima Myllem, Myllem Syiemship.

Subject:- Matter relating the Headman of Lawmei Pdeng-shnong, Myllem Syiemship

Reference:- Your Letter No. MS/V-26/2006-13/750-58 Dt. 28th May, 2013

Syiem,

With reference to the subject cited above, I am directed to say that this Office after thoroughly examined the above matter of the documents received from both sides once again direct you to conduct the election to elect the Headman of the Village of Lawmei Pdeng-Shnong.

At the same time, you should ascertain that only those real inhabitants of village Lawmei Pdeng-Shnong have the right to present in the Durbar and take part in the above election of the Headman.

Yours faithfully, Joint Secretary to the Executive Committee, Khasi Hills Autonomous District Council, Shillong."

After hearing the submissions advanced by the learned counsel for the petitioner as well as the respondents, it is an admitted fact that the whole dispute was about the voters' lists, but, since the respondent No. 1 District Council has empowered the Syiem of Myllem to conduct the election and also further directed to allow all the real inhabitants to take part in the Durbar and the election, there remains no dispute further.

I have made it clear that, while conducting the election all eligible voters" who

are the permanent members of the respective village should be allowed to take part in the Durbar as well as in the election.

Court Master is directed to keep on record the letter dated 22.01.2014 issued by the respondent No. 1 to the respondent No. 2.

With this observation and direction, this instant writ petition is allowed and the matter stands disposed of."

3. In this writ petition, the petitioner alleged that on 09.05.2014, the Deputy Syiem of Hima Myllem along with the Myntris (minister) arrived in Lawmei Pdengshnong village to hold the village Durbar to elect a new headman. It is also alleged that the petitioner also strongly objected to the holding of the village Durbar contending that as per the said order of this Court dated 13.02.2014, only the genuine and permanent residents of the village should be allowed to take part in the Durbar. It is also stated that the Deputy Secretary to the Executive Committee, Khasi Hills Autonomous District Council (for short "KHADC"), Shillong under his letter dated 08.08.2013 directed the Special Officer, KHADC, Shillong to re-examine the entry of names of 59 persons in the voter list of the village. The said letter dated 08.08.2013 is annexed at Annexure-24 to the writ petition and it reads as follows:-

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

No. DC. XXVII/Genl/11/96-2013/68 Dt. Shillong, the 8th August, 2013

To,

Shri B Diengdoh, Special Officer, Khasi Hills Autonomous District Council, Shillong.

Subject: Inquiry in the matter of dispute for the post of Headman Lawmei Pdengshnong, Myllem Syiemship

Reference: Your letter dt. 12.3.2013,

Sir,

With reference to your letter on the subject cited above, I am directed to inform you that in view of the objection raised by the Dorbar Shnong Lawmei Pdengshnong regarding the entry of names of 59 persons in the voter list of the village (a copy of which is enclosed herewith for ready reference), you are hereby instructed to reexamine the matter and submit report at the earliest.

Yours faithfully, Sd/- Deputy Secretary to the Executive Committee, Khasi Hills Autonomous District Council, Shillong"

4. It is the submission of the learned senior counsel that in pursuance of the said letter of the Deputy Secretary to the Executive Committee, KHADC, Shillong dated 08.08.2013, the Special Officer, KHADC, Shillong has to re-examine the matter as to the entry of names of 59 persons in the voter list. But till date, the

Special Officer, KHADC, Shillong has not yet re-examined the matter. Ms. P.S. Nongbri, learned counsel for the respondents No. 1-3 is also not denying that pursuant to the said letter of the Deputy Secretary to the Executive Committee, KHADC, Shillong dated 08.08.2013, the Special Officer, KHADC, Shillong has not yet re-examined the inclusion of names of 59 persons in the voter list. To the contra, Mr. J.M. Thangkhiew, learned counsel for the respondent No. 5 contended that the petitioner themselves had submitted the voter list which includes the name of the private respondent i.e. private respondent No. 5. This Court is not deciding this issue in the present writ petition. However, it is clear from the submissions of the learned counsel appearing for the parties that in compliance of the direction of the Deputy Secretary to the Executive Committee, KHADC, Shillong under his letter dated 08.08.2013, the Special Officer, KHADC, Shillong has not yet re-examined the inclusion of names of 59 persons in the voter list and submit a report.

5. It is further submission of Mr. J.M. Thangkhiew, learned counsel for the respondent No. 5 that during the pendency of the present writ petition, the election to the office of Headman of Village Lawmei Pdengshnong, Myllem Syiemship had already been held and the respondent No. 5 had been elected as Headman of village Lawmei Pdengshnong, Myllem Syiemship. The Syiem of Myllem had issued Sanad dated 05.05.2015 for appointment of the respondent No. 5 as Headman of village Lawmei Pdengshnong, Myllem Syiemship and copy of the said Sanad dated 05.05.2015 is also furnished to Mr. N.D. Chullai, learned senior counsel appearing for the petitioners.

6. The prayer sought for in the present writ petition is for a direction to the respondent No. 4 Syiem of Myllem to convene a village Durbar for election of new Headman of Lawmei Pdengshnong, Myllem Syiemship strictly in term of the order dated 13.02.2014 passed in WP(C) No. 183/2014. As stated above, the election of the new Headman of Village Lawmei Pdengshnong, Myllem Syiemship had already been held and the respondent No. 5 had been appointed as Headman vide Sanad dated 05.05.2015; this being the situation, the present writ petition has become infructuous. Therefore, this writ petition is disposed of as infructuous without prejudicing the right of the petitioners to approach the Executive Committee, KHADC, Shillong for seeking appropriate remedy, if aggrieved by the said new election and also appointment of the respondent No. 5 vide Sanad dated 05.05.2015. It is also made clear that if the Special Officer, KHADC, Shillong has not yet re-examined and submit a report regarding the entry of names of 59 persons in the voter list of the Village Lawmei Pdengshnong, Myllem Syiemship in compliance with the direction of the Deputy Secretary to the Executive Committee, KHADC, Shillong dated 08.08.2013, the Special Officer, KHADC, Shillong shall re-examine the matter after giving ample opportunity to all the parties to put up their respective case.

7. With the above observations and directions, this writ petition is disposed of as infructuous.