

(2025) 09 MEG CK 0604
In the Meghalaya High Court
Case No : Writ Petition (C) No. 199 Of 2025

H. Kyntiewborlang Langstieh

APPELLANT

Vs

Khasi Hills Autonomous District Council, Shillong & Ors.

RESPONDENT

Date of Decision : 03-09-2025

Acts Referred:

Khasi Hills Autonomous District (Nomination And Election Of The Lyngdoh, Myntri, Bakhraw And Rangbah Shnong And Administration Of Mawphlang Lyngdohship) Act, 2023 — Section 14(iv)

Citation : (2025) 09 MEG CK 0604

Hon'ble Judges : H. S. Thangkhiew, J

Bench : Single Bench

Advocate : Dr. N. Mozika, M.L. Nongpiur, T.T. Diengdoh, C.C.T. Sangma, I.B. Nongrum, S.R. Lyngdoh

Final Decision : Disposed Of

Judgement

H. S. Thangkhiew, J

1. The instant writ petition is directed against the impugned order dated 09.05.2025, passed by the respondent No. 2, (Executive Committee, KHADC) in Political Appeal No. 2 of 2025, whereby a certain clause namely; clause 4 of a letter issued by the respondent No. 4, which disqualifies candidates who have acted or litigating against the Hima, has been declared null and void. The case of the petitioner is that the elections to the post of Headman of Mawngap Khliehshnong had been conducted on 18.03.2025, and in view of the impugned order, whereby the said clause was declared null and void, directions had also been issued for conduct of fresh elections.

2. It is submitted by Dr. N. Mozika, learned Senior counsel assisted by Mr. M.L. Nongpiur, learned counsel for the petitioner that the respondent No. 5, who had preferred the Political Appeal is ineligible to contest for the post of Headman of Mawngap Khliehshnong, in view of the fact that he had earlier been removed from the post by the respondent No. 4, on the allegations of misappropriation,

and defalcation of the Village's fund. He further submits that the matter has also resulted in a Police case being registered, wherein the respondent No. 5, has since been charge sheeted. He therefore submits that the impugned order setting aside the said condition is unjustified and will result in a person with questionable moral integrity being allowed to contest for public office i.e. office of Headman.

3. Mr. T.T. Diengdoh, learned Senior counsel assisted by Mr. C.C.T. Sangma, learned counsel for the respondents Nos. 1, 2 & 3, has submitted that the impugned order passed in the Political Appeal, dealt only with the criteria that had been prescribed for being qualified as a candidate for the post of Headman, and that in the considered view of the Executive Committee, clause 4 which disqualifies individuals on a ground of acting or litigating against the Hima, appears to have been inserted with the intent to exclude or bar the appellant (respondent No. 5) from filing his nomination papers, and further that the condition also militates against the provisions of The United Khasi-Jaintia Hills Autonomous District (Appointment and Succession of Chiefs and Headmen) Act, 1959. The learned Senior counsel further submits, that there should be no bar unless a person is convicted, from contesting for public office, even if it is the office of Headman.

4. Mr. I.B. Nongrum, learned counsel for the respondent No. 4, submits that the respondent No. 5, before the last elections had not even sought to, or filed his nomination, but instead had filed the Political Appeal No. 2 of 2025. The learned counsel further submits that had the respondent No. 5 filed his nomination, it would have given an opportunity for the Election Committee to study his nomination papers, and to declare whether or not he was eligible to contest the elections.

5. Mr. S.R. Lyngdoh, learned counsel for the respondent No. 5, submits that though allegations and charges have been made against the said respondent, the same are baseless and it not a fact that the writ petitioner has misappropriated any amounts. He further submits be that as it may, there is no bar existing presently that should prevent the respondent No. 5, from contesting in the elections.

6. Mr. T.T. Diengdoh, learned Senior counsel after submissions have been concluded by the respective counsel has apprised the Court that with regard to Mawphlang Lyngdohship, an Act namely The Khasi Hills Autonomous District (Nomination and Election of the Lyngdoh, Myntri, Bakhraw and Rangbah Shnong and Administration of Mawphlang Lyngdohship) Act, 2023 has since been notified and is now being implemented by the District Council. He submits that if there should be a fresh election, the same should be in accordance with law, and as per the new Act of 2023.

7. Dr. N. Mozika, learned Senior counsel to this submission, has also drawn the attention of the Court to Section 14 (iv) of the Act, which prescribes that a

candidate must bear a good moral character and command social respect in a village, to be eligible to contest.

8. Having heard the learned counsel for the parties, it is seen that the main issue is with the resistance of the respondent No. 4, who is the Chief, to the participation of the respondent No. 5, due to the allegations which are pending against him. Further, on a detailed perusal, the impugned order does not suffer from any infirmity in coming to the finding that the criteria that has been prescribed i.e. clause 4, was violative of the Act of 1959.

9. In this backdrop and with the introduction of the new Act, of 2023, in the considered view of this Court and in the interest of justice and fair play, it would be just and proper therefore, if fresh elections as ordered by the impugned order be conducted by the respondent No. 4. The Executive Committee in this regard shall also depute an Observer at the time of scrutiny, and also on the date of voting to ensure that the proceedings are free and fair and held in accordance with law. The respondent No. 4, shall also accordingly intimate the new schedule of elections within 4(four) weeks, from today.

10. Accordingly, with the above noted directions, the writ petition stands closed and is disposed of.