

(2014) 09 MEG CK 0021
In the Meghalaya High Court
Case No : WP(C) No. 308/2014

Harinder Shah

APPELLANT

Vs

Khasi Hills Autonomous District Council

RESPONDENT

Date of Decision : 09-09-2014

Acts Referred:

Citation : (2014) 09 MEG CK 0021

Hon'ble Judges : T. Nandakumar Singh, J

Bench : Single Bench

Final Decision : Disposed Off

Judgement

T. Nandakumar Singh, J.—Heard Mr. AS Siddiqui, learned counsel for the petitioner and Ms. PS Nongbri, learned counsel for the respondent No. 1-3.

2. Considering the submissions of the learned counsel appearing for the parties as well as the prayer made in the present writ petition, this writ petition is taken for disposal at this stage.

3. It is stated that the petitioner's father has been a tenant under the father of the respondents No. 4 & 5 in respect of the three storied RCC building since early 60s and vide Tenancy Agreement dated 05.08.1983, the terms of the tenancy was reduced into writing between the petitioner's father and the respondent No. 5. It is also stated that the petitioner has been running his business along with his father in grocery items from Stall No. 359/B in the said three storied RCC building. In the year 2013, the respondents No. 4 & 5 started threatening the petitioner of forcible eviction. The petitioner also had approached the civil court by filing civil suit i.e. Title Suit No. 40(T) of 2013 in the court of the Assistant to Deputy Commissioner, Shillong. In Misc. Application being Misc. Case No. 111(T) of 2013 filed in the said civil suit in the court of Assistant to Deputy Commissioner, Shillong the learned Assistant to Deputy Commissioner, Shillong passed the interim order dated 20.11.2013, for maintaining status-quo regarding the possession of the said stall by the parties.

4. The father of the respondents No. 4 & 5 had applied for trading licence to the respondent No. 2, who after due inquiry and on being satisfied of the existence of the condition precedent for the grant of licence as provided u/s 3A of the Khasi Hills District (Trading by Non-Tribal) Regulation, 1954 (for short "the said Regulation of 1954") granted trading licence to the father of the respondent No. 4 & 5 for the Stall No. 359/B under the occupation of the petitioner in terms of the said Tenancy Agreement. It is also stated that the petitioner and the respondents No. 4 & 5 had applied for renewal of the trading licence, terms of which expired on 31.03.2013. Without giving any notice, the respondent No. 3 closed the shop of the petitioner in the Stall No. 359/B on 27.08.2014 and all the merchandise stocked in the said three storied RCC building were also seized and kept inside the shop, which is now in the custody of the petitioner, by sealing the shop. In this writ petition, the petitioner is praying for directing the respondents No. 1-3 to open the said shop of the petitioner in the Stall No. 359/B and also to release all the seized stock of the petitioner in the said shop by following the procedures prescribed under the said Regulation, 1954.

5. Considering the submissions of the learned counsel appearing for the parties and keeping in view of the above factual backdrop, this writ petition is disposed of by directing the respondents No. 1-3 to open the said shop of the petitioner in the Stall No. 359/B by following the procedures prescribed under the said Regulation of 1954 and release all the seized articles to the petitioner within a period of three days from the date of receipt of a certified copy of this judgment and order. It is also made clear that for running a business, the petitioner shall approach the concerned authority for getting the trading licence under the said Regulation of 1954 within a period of one week from today and the concerned authority on receipt of the said application, shall pass necessary order within a period of one month from the date of receipt of the said application filed by the petitioner. In the interregnum, the petitioner shall run his business in the said shop.

6. With the above observations and directions, this writ petition is disposed of.