
(2025) 01 MEG CK 1633

In the Meghalaya High Court

Case No : Miscellaneous Case [Writ Petition (C)] No. 1 Of 2025 In Writ Petition (C) No. 5 Of 2025

Laitumkhrah Dorbar Shnong Pyllun & Ors.

APPELLANT

Vs

Khasi Hills Autonomous District Council, Shillong Represented
Through Its Secretary & Ors.

RESPONDENT

Date of Decision : 23-01-2025

Acts Referred:

Khasi Hills Autonomous District (Administration Of Elaka) Act, 1991 — Section 3

Citation : (2025) 01 MEG CK 1633

Hon'ble Judges : W. Diengdoh, J

Bench : Single Bench

Advocate : K.Ch. Gautam, G.C. Myrboh, V.G.K. Kynta, M. Kynta

Final Decision : Disposed Of

Judgement

W. Diengdoh, J

1. Heard Mr. K.Ch. Gautam, learned counsel for the petitioners.
2. As far as the respondents are concerned, the respondent Nos. 1-3 are present in Court through their Special Counsel, Mr. V.G.K. Kynta, learned Sr. counsel assisted by Ms. M. Kynta, learned counsel.
3. The learned counsel for the petitioners in his submission has stated that the petitioners are the Headmen of Laitumkhrah Dorbar Shnong Pyllun, East Khasi Hills District, Meghalaya, which Dorbar manages the affairs of about 13(thirteen) localities (Dong). However, in course of time, some of the members of one of the localities had expressed their desire for creation of a separate village apart from the Laitumkhrah village. Upon such desire, the respondent No. 4 i.e. the Syiem of Myllem, Myllem Syiemship, Mawkhair, Shillong, East Khasi Hills District, had issued a communication dated 5th August, 2024, calling upon the members of the locality i.e. Nongrimbah to be heard on 10th August, 2024 as far as the prayer or demand for a separate village is concerned.

4. The petitioners being aggrieved by such communication, had approached the respondents/KHADC by way of a Political Appeal, the same being registered as Political Appeal No. 2 of 2024, the respondents therein being the respondent No. 4 herein as well as the respondent Nos. 5 & 6. The Political Appeal is sub-judice and have not yet been disposed of, however, the said letter dated 05.08.2024 has been stayed vide order dated 09.08.2024.

5. It is the further submission of the learned counsel that the petitioners are taken by surprise on coming to know of a communication dated 15th January, 2025 issued by the Deputy Secretary to the Executive Committee, Khasi Hills Autonomous District Council, Shillong to the Syiem of Myllem, Myllem Syiemship, the respondent No. 4 herein, directing him to convene a public hearing on the 20th January, 2025 of Nongrimbah locality regarding the request to uplift Nongrimbah locality to Nongrimbah village. On request being made, the date of hearing was postponed and to be held on 23rd January, 2025 at 10:00 a.m.

6. The petitioners being aggrieved by the said communication dated 15th January, 2025 as well as that of 17th January, 2025, which is the communication of the Syiem of Myllem/respondent No. 4 for holding of such public hearing, have now approach this Court with a prayer for quashing and setting aside of the said impugned orders, and in the meantime, for stay of the operation of such orders.

7. Mr. V.G.K. Kynta, learned Special Counsel/Sr. counsel for the respondent Nos. 1-3/KHADC responding to the submission of the learned counsel for the petitioners, has submitted that due procedure has been followed in accordance with the provision of Section 3 of the Khasi Hills Autonomous District (Administration of Elaka) Act, 1991. However, he submits that pursuant to the filing of the said Political Appeal and the proceedings thereof, it is the desire of the KHADC to know the mind and will of the people of the said locality i.e. Nongrimbah as far as the prayer for such upliftment of the said locality into a village is concerned. The said process according to the learned Sr. counsel is a part and parcel of the proceedings in the Political Appeal. The learned Sr. counsel has also pointed out that this petition has been filed belatedly, inasmuch as, one of the prayers of the petitioners is for stay of the public hearing, which has been slated to be held today at 10:00 a.m, and as such, presumably, the proceedings has already started, and is due to be completed. Hence, the prayer of the petitioners in this regard has become infructuous. Be that as it may, the learned Sr. counsel would again submit that it is open to the petitioners to approach this Court or any other authority for that matter, if any report is filed as far as the proceedings of the said public hearing is concerned. Therefore, this petition is not maintainable at this point of time, further submits the learned Sr. counsel.

8. This Court has duly considered the submission made by the learned counsel for the respective parties, and is made to understand that the grievance of the petitioners at this point of time is only with regard to the conduct of the public

hearing as far as the cause of the members of the Nongrimbah locality is concerned. It is a fact that the impugned orders have already been carried out as far as holding of the public hearing is concerned. However, this Court is also of the opinion that the KHADC has bypass due procedure, inasmuch, as when the said Political Appeal is still under consideration, the impugned orders ought not to have been passed, which effectively would amount to the same cause of action as was espoused by the petitioners in the said Political Appeal. At this point of time, the legality or propriety of the impugned orders passed by the concerned respondent is required to be decided, for which this Court would call upon the parties to be heard.

9. On consideration of the prayer made for stay of the said hearing as pointed out, this Court would not be in a position to concede to the prayer of the petitioners at this point of time, since by this time, the proceeding may well have been concluded. However, as a consequent of such public hearing, if any report is filed or deemed to have been filed by the concerned authority, such report would not be taken into account till disposal of the writ petition. In the meantime, the respondents/KHADC is directed to dispose of the Political Appeal expeditiously.

10. In view thereof, this Misc. Case stands disposed of.