

(2015) 06 MEG CK 0016
In the Meghalaya High Court
Case No : WP(C) No. 181 of 2014

Mawthungkper Village

APPELLANT

Vs

Khasi Hills Autonomous District Council and Others

RESPONDENT

Date of Decision : 02-06-2015

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2015) 06 MEG CK 0016

Hon'ble Judges : T. Nandakumar Singh, J

Bench : Single Bench

Advocate : H.L. Shangreiso, for the Appellant; P.S. Nongbri, Advocates for the Respondent

Final Decision : Dismissed

Judgement

T. Nandakumar Singh, J.—This is the second time the writ petitioner-elected Sirdar of Mawthungkper village approached this Court assailing the order of the respondent No. 2 Nongstoin Syiemship for recognizing the respondent No. 3 Domphetkhlam village as a separate village. This Court in the earlier writ petition i.e. WP(C) No. 127/2013 vide order dated 24.10.2013 had directed the respondent No. 2 Nongstoin Syiemship to decide the issues as to (i) whether the respondent No. 3 Domphetkhlam village is separated from the village Mawthungkper i.e. writ petitioner or not?, and (ii) whether the separation or creation of the respondent No. 3 Domphetkhlam village was in accordance with law or not?

2. Heard Mr. HL Shangreiso, learned counsel for the petitioner, Ms. PS Nongbri, learned counsel for the respondent No. 1, Mr. P Nongbri, learned counsel for the respondent No. 2 and Mr. L Lyngdoh, learned counsel for the respondents No. 3-5.

3. The fact of the case of the writ petitioner-Mawthungkper village, in short, is that the respondent No. 3 Domphetkhlam village was not a village but merely one of the localities of the writ petitioner-village i.e. Mawthungkper village since

the time of its carving out as an independent village from the then parent village i.e. "Jaidoh Marang village" in 1975. Till 1975, the writ petitioner-village i.e. Mawthungkper village, Jaidoh village and Marang village were one village under the name and style "Jaidoh Marang village". However, due to increase of population as well as for better administrative convenience, the writ petitioner-Mawthungkper village, on the basis of the letter dated 03.01.1975 written by the then common Headman to the present Syiemship, was carved out in 1975 from "Jaidoh Marang village" with the consent of the people resided therein. It is also the case of the writ petitioner-Mawthungkper village that the respondent No. 3 Domphetkhlam village was one of the small localities within the territorial and administrative jurisdiction of the writ petitioner's-Mawthungkper village. After the separation of the petitioner's-Mawthungkper village from Jaidoh Marang village, the Jaidoh Marang village continued to exist as one village and never claimed the ownership over the land of the respondent No. 3 Domphetkhlam village.

4. In the year 2010, the Jaidoh Marang village with the consent of the people resided therein, had been divided into two separate and independent villages known as "Jaidoh village" and "Marang village" due to large population and sufficient geographical territories under the Syiemship. It is also the further case of the writ petitioner-Mawthungkper village that the respondent No. 4 Jaidoh village and respondent No. 5 Marang village supported the case of the writ petitioner-Mawthungkper village. The Durbar Shnong of the writ petitioner-Mawthungkper village had convened its meeting on 06.10.2011 and deliberated on the matter of separation of village in the name and style of "Domphetkhlam village" and come to the conclusion that the land of Domphetkhlam village is within the jurisdiction of the writ petitioner-Mawthungkper village from time immemorial; moreover, eight families/households, who applied for separation of village as Domphetkhlam village are the residents of Jaidoh village and Marang village. However, as per the decision of the Durbar of Nongstoin Syiemship i.e. respondent No. 2, in its meeting held on 04.04.2012, two office officers namely, Shri. Stelin Thongni and D.K. Nongspung Sordar of MDS had been deputed by the respondent No. 2 to proceed for spot enquiry into the village of the writ petitioner-Mawthungkper village to ascertain the view of the villagers on the matter of creation of separate village in the name and style "Domphetkhlam village" and further directed them to submit the report to the respondent No. 2. In pursuance of the said direction, the said two office officers visited the writ petitioner-Mawthungkper village. The Headman summoned the village Durbar i.e. General Public Meeting on 13.07.2012 wherein, many people from the age of 18 years attended therein and actively participated in the discussion on the demand for separation of village for the Domphetkhlam locality.

5. The said two office officers submitted the enquiry report dated 13.06.2012 to the respondent No. 2 to provide Headman to the residents of Domphetkhlam village (respondent No. 3) despite of the undisputed fact that the majority of the people of the writ petitioner's-Mawthungkper village did not allow for separation

or division of their village i.e. writ petitioner's-Mawthungkper village at the instant of some of the residents, who are not even the permanent residents of the writ petitioner's-Mawthungkper village. The people of the writ petitioner-Mawthungkper village after comprehensive discussion on 15.01.2013 had unanimously decided not to accept the creation of a separate village in the name and style "Domphetkhlam village". The respondent No. 2 had been informed that in view of verbal suggestion made by the Syiem, the Durbar of the writ petitioner-Mawthungkper village would only be willing to include and treat the 8 (eight) households residing at Domphetkhlam locality in the writ petitioner-Mawthungkper village so as to enable them to avail the same treatment and privileges as available to other permanent residents of the writ petitioner-Mawthungkper village. But surprisingly, the respondent No. 2 vide order dated 09.04.2013 had arbitrarily created a separate village in the name of "Domphetkhlam village" by overlooking the serious objection and protest registered against the said creation by the people of the writ petitioner-Mawthungkper village. The writ petitioner-Mawthungkper village being aggrieved by the said order dated 09.04.2013 had approached this Court by filing writ petition being WP(C) No.127/2013 for quashing the same i.e. (order dated 09.04.2013) against the (i) the Khasi Hills Autonomous District Council represented by its Secretary, (ii) the Nongstoin Syiemship represented by its elected Syiem of Hima Nongstoin, West Khasi Hills District, Meghalaya and (iii) Domphetkhlam represented by its alleged Acting Headman.

6. The respondent No. 3 Headman of Domphetkhlam village filed affidavit-in-opposition in WP(C) No.127/2013. In his affidavit-in-opposition, the respondent No. 3 categorically denied the case of the writ petitioner-Mawthungkper village that the Domphetkhlam village was the part of writ petitioner-Mawthungkper village and also the further case of the respondent No. 3 was that the Domphetkhlam village was not a locality of the writ petitioner-Mawthungkper village. It is the case of the respondent No. 3 in the affidavit-in-opposition that it was only when the said village of Marang Jaidoh or Jaidoh Marang village was bifurcated into Marang village and Jaidoh village, the locality of Domphetkhlam was abandoned by both Marang and Jaidoh villages and as a consequence, the residents of Domphetkhlam locality were in effect excommunicated from Marang and Jaidoh villages and the locality had no Headman to administer the same. In pursuance thereto, the residents of Domphetkhlam approached the respondent No. 2 for recognition of Domphetkhlam as a full-fledged village under Nongstoin Syiemship. The allegation of the writ petitioner-Mawthungkper village that, it was only after excommunication, the residents of Marang and Jaidoh villages resided in Domphetkhlam is completely false and baseless since the families that were excommunicated and their ancestors since time immemorial had resided at Domphetkhlam under the administration of Marang Jaidoh village or Jaidoh Marang village. It is pertinent to mention herein that the letter dated 14.08.2011 has not been correctly translated and the same has been done in a manner to suit the case of the writ petitioner-Mawthungkper village. As a matter of fact,

nowhere in the letter dated 14.08.2011 mentioned that there is a statement that after the creation of Marang and Jaidoh villages, the abandoned/excommunicated individuals thereafter resided at Domphetkhlam. Since the writ petitioner-Mawthungkper village herein has attempted to mislead this Hon''ble Court, the writ petition is liable to be dismissed on account of the writ petitioner-Mawthungkper village having approached the Hon''ble High Court with unclean hands. In any event, the respondent No. 3 Domphetkhlam village had already appointed a regular Headman who is duly recognized by the respondent No. 2 and functioning as such along with his Durbar. In view thereof, any interim relief as prayed for by the writ petitioner-Mawthungkper village ought not to be entertained at this juncture. The respondent No. 3 further stated in the affidavit-in-opposition that the Domphetkhlam was never under the administration of the writ petitioner-Mawthungkper village nor have the individuals settled at Domphetkhlam only after bifurcation of Marang Jaidoh or Jaidoh Marang village. As already stated hereinabove, the said families and their ancestors always reside at Domphetkhlam since time immemorial and it is the writ petitioner-Mawthungkper village that has only in recent past falsely claimed that Domphetkhlam is within the writ petitioner-Mawthungkper village. The previous Electoral Roll of 2009 as well as the present Electoral Roll of 2013 also reveals that the members of the abandoned families till date they are shown as residents of Jaidoh village since Domphetkhlam was within Jaidoh village contrary to what has been alleged by the writ petitioner-Mawthungkper village. Further, even the transfer/registration of lands within Domphetkhlam had shown Domphetkhlam as part and parcel of Marang Jaidoh or Jaidoh Marang village. As such, the letter dated 07.10.2011 and its contents thereof are absolutely without any basis or rationale.

7. The respondent No. 3 in the affidavit-in-opposition further stated that the mere existence of an objection does not in any manner bar the respondent No. 2 from conferring the respondent No. 3 the status of a full-fledged village. As a matter of fact, the respondent No. 2 is duty bound to examine all the relevant factors prior to reaching any decision, like the density of the population, the area, the demarcation of boundaries etc. As evident from the enquiry report dated 13.06.2012, the Enquiry Officers have met both sides and have even recorded the objections of the writ petitioner-Mawthungkper village and the grievances of the respondent No. 3, and after having examined the respective objections and grievances of the parties have come to a conclusion that the respondent No. 3 should be accorded the status of a separate and full-fledged village. It is pertinent to mention herein that the categorical observations of the report dated 13.06.2012 are that the Enquiry Officers have considered the manner in which households stand/situate in the locality and that as regards the possibility of demarcation of the boundaries of the writ petitioner-Mawthungkper village and the respondent No. 3, the question of boundary disputes will not arise since there are proper landmarks and as such, their finding was that it was fit for the respondent No. 3 to be recognized as a separate and full-fledged village. It is

also pertinent to mention herein that it was the writ petitioner-Mawthungkper village itself that had pointed out Domphektkhlam area/the respondent No. 3 to the Enquiry Officers and the writ petitioner-Mawthungkper village had specifically stated thereafter that it is up to the Officers to ascertain whether the demand of the respondent No. 3 is justified or not and as such, no fault can be found with the enquiry report dated 13.06.2012.

8. The respondent No. 3 in the affidavit-in-opposition further stated that the order dated 09.04.2013 cannot be faulted with. As already stated in the foregoing paragraphs, all the parties concerned were given an opportunity of hearing, enquiry was conducted and materials on record were examined and as such, the order dated 09.04.2013 is a reasoned order after observing all the requirements of law and in the result, the same does not suffer from any irregularity or illegality. Consequently, the letter dated 12.04.2013 also cannot be faulted with. It is pertinent to mention herein that subsequent to the order dated 09.04.2013, the present Headman was appointed as Acting Headman vide letter dated 12.04.2013 and the respondent No. 3 thereafter, held a Durbar on 16.04.2013 in which the Headman and other office bearers of the village were elected and thereafter a request was made vide letter dated 16.04.2013 to the respondent No. 2 who vide letter dated 18.04.2013 was pleased to approve the proceedings of the Durbar dated 16.04.2013 and confirm the election of the office bearers of the village and subsequently the respondent No. 2 vide Sanad dated 01.05.2013 was pleased to appoint Shri. Synsharbor Kharrit as the full-fledged Headman of the respondent No. 3. The respondent No. 3 in the affidavit-in-opposition also further stated that the respondent No. 3 was never under the writ petitioner-Mawthungkper village and as such, the question of obtaining the consent of the majority of the people of the writ petitioner-Mawthungkper village does not arise. The respondent No. 3 further stated that according to the enquiry report date 13.06.2012, the respondent No. 3 has definite and identifiable boundaries and as such, so far demarcation is concerned, there shall not raise any difficulties.

9. The said writ petition i.e. WP(C) No. 127/2013 was finally disposed of by this Court vide order dated 24.10.2013, which read as follows:--

"Date of Judgment and Order 24th October, 2013

JUDGMENT AND ORDER

ORAL: HON"BLE PRAFULLA C. PANT, CHIEF JUSTICE

Heard.

2. By means of this writ petition under Article 226 of the Constitution of India, the writ petitioner has sought quashing of the order dated 09.04.2013 (Annexure K to the writ petition) passed by the respondent No. 2 i.e. Syiem of Nongstoin, West Khasi Hills District, Meghalaya, whereby the said authority has created a new village known as Domphektkhlam from the village Mawthungkper.

3. Heard learned counsel for the parties and perused the affidavits of the writ petitioner and that of the respondent No. 3.

4. Brief facts of the case are that, it is pleaded by the writ petitioner that the village Mawthungkper consists of eighty houses including the houses of locality Domphetkhlam. It is further pleaded that the respondent No. 2 i.e. Nongstoin Syiemship has passed the impugned order dated 09.04.2013 separating the locality of Domphetkhlam and declaring it as a separate village without adhering to the procedure prescribed in Section 3 of the Khasi Hills Autonomous District Council (Administration of Elaka) Act, 1991. In reply to this, the respondent No. 3 i.e. Domphetkhlam Village, in its counter affidavit has pleaded that it was a part of Jaidoh village and the said village has abandoned Domphetkhlam and as such the respondent No. 2 has not erred in declaring it (Domphetkhlam) as a separate village. It is also pleaded by the respondent No. 3 that Domphetkhlam was not a part of Mawthungkper Village.

5. Before further discussion, this Court thinks just and proper to mention the relevant provision of law applicable to this matter. Section 3 of the Khasi Hills Autonomous District Council (Administration of Elaka) Act, 1991, reads as under:

"3. Formation of new villages and alteration of areas. Boundaries or names of existing villages:--The Chief and his Durbar with the approval of the Executive Committee may, if the majority of the people of the village or villages so desire, by public notification.-

(i) Form a new village by separation of territory from any village or villages or by uniting two or more villages or part of villages or by uniting any territory to a part of any village.

(ii) Increase the area of any village.

(iii) Diminish the area of any village.

(iv) Alter the boundaries of any village.

(v) Alter the name of any village."

6. The above provision of law clearly provides that though the Chief and his Durbar (in the present case respondent No. 2 Nongstoin Syiemship), is empowered to form a new village by altering the areas of existing village but for that purpose, the said authority is required to get consent of majority of the villagers before such separation.

7. It is argued before this Court on behalf of the writ petitioner that the word "Village" mentioned in the above provision does not cover mere locality of a village. It is further argued that from the impugned order dated 09.04.2013, it appears that the respondent No. 2 has considered will of eleven houses out of twenty houses of Domphetkhlam Village. It is contended that since the name of the village was Mawthungkper as such majority of the will of people of whole village (and not a part thereof) should have been considered before a new village

is separated from it. It is pleaded by the learned counsel for the respondent No. 3 that this point too has not been examined by the respondent No. 2 if Domphetkhlam Village was a part of village Jaidoh or not. Said respondent has pleaded in its counter affidavit that it was part of Jaidoh village and not the part of Mawthungkper village.

8. During the arguments of the learned counsel for the parties, agreed that the respondent No. 2 i.e. Nongstoin Syiemship be directed to re-examine the above issues and take a fresh decision in the matter.

9. Therefore, in the above circumstances, this writ petition is disposed of with the direction to the respondent No. 2 Nongstoin Syiemship to decide the issue of creation of a separation village Domphetkhlam as a separate village from the existing village Mawthungkper, keeping in mind the observation made above and the provision of law quoted in the body of this judgment. The decision may be taken by the respondent No. 2 by re-examining the issues within a period of three months from the date of the production of certified copy of this judgment by any of the parties to this writ petition. The impugned order dated 09.04.2013, passed by the respondent No. 2 hereby stands set aside. It is further observed that till such decision is taken as directed above, the administration of Domphetkhlam shall remain vested with the respondent No. 2.

Sd/- CHIEF JUSTICE"

10. In pursuance of the said judgment and order dated 24.10.2013 passed in WP(C) No. 127/2013, the respondent No. 2 after giving opportunity to the parties to put up their case and also allowing them to produce evidence both oral and documentary in support of their respective case passed a speaking order dated 12.05.2014 for confirming the separation of village of the respondent No. 3 Domphetkhlam village as a separate and independent village. The findings of the respondent No. 2 Nongstoin Syiemship in his said order dated 12.05.2014, reads as follows:--

"..... The Syiem and its Durbar after a careful perusal and due consideration of the documents and its functioning have found that the locality Domphetkhlam have been disregarded by the village Jaidoh, Marang for they think that the locality Domphetkhlam is on the isolated side far from their village and the village Mawthungkper also disregard them for they think that the villagers of the locality Domphetkhlam fall under the jurisdiction of Jaidoh. This is clearly shown in the enquiry report of Senior Syiem, dated 13.06.2012 where the headman of the village Mawthungkper and the other elders member that after showing the boundary of the locality Domphetkhlam they have just left the side and leave it under the decision of the senior Syiem as to whether to give the Domphetkhlam a separate village or not. This act of them show that they have no regards to the feeling and hardship of the people of the village for as the ruler of the village they should show their mature thinking and their generosity so that the functioning of the village will be peaceful and to unite all. The enquiry report

shows that the total numbers of houses is 20 in numbers and those who came personally at the time of enquiry is 15 in numbers and there is no conflict of boundary with the village Mawthungkper whatsoever.

Moreover, as per the Act of 1991 the village Jaidoh Marang and Mawthungkper have no power with regard to the alteration of boundary and its jurisdiction. The demarcation of the boundary between them was illegal and as such their demarcation of boundary between the two cannot be accepted. The law has made it clear that the power to alter and correct the boundary and its jurisdiction of the village lies with the Syiem and its Durbar.

From the village Marang Jaidoh they have no complaint for the recognition of the locality Domphetkhlam to be a full-fledged village and from the documents it is seen that the locality Domphetkhlam fall under the jurisdiction of the village Marang Jaidoh for this reason it is well establish to recognize the locality Domphetkhlam as a full-fledged village and to have it own headman.

The complainant have no explanation on the large number of people who have registered themselves in the electoral roll of Jaidoh even though they are the residential of the Domphetkhlam. Moreover, in the buying and selling of land in Domphetkhlam it is shown that the village Jaidoh is the parent village of Domphetkhlam and there is no evidence to show that it is a part of the locality of Mawthungkper as such the statement of the complainant cannot be rely on.

The Syiem and its Durbar, after a careful perusal of the documents which is annexed by both the parties as per their representation and the prevailing customary law which is being practices from time immemorial with regard to the creation of a new village and which is also codified as per the Administration of Nongstoin Syiemship Rule 2006 Rule 14(8) that the giving of village by the Syiem and its Durbar to the locality Domphetkhlam is as per law and which is being practice from time immemorial.

And as such after a careful perusal of the documents and its conditions the Syiem and its Durbar find it right to strengthen it decision which was passed on 12th April 2013 through Notice bearing reference No. NS-6/A(1)/2012-13/07 regarding the creation of the locality Domphetkhlam into a village.

The matter stand dispose off."

11. The writ petitioner-Mawthungkper village filed the present writ petition as if an appeal against the said order of the respondent No. 2 dated 12.05.2014 before the appellate court. However, this Court is not the statutory appellate court and also not the appellate court of the impugned order dated 12.05.2014. The writ petition had been filed basing on the fact which requires to be proved by producing oral and documentary evidence. Over and above, the case of the writ petitioner-Mawthungkper village as stated above are categorically denied by the respondent No. 3 Domphetkhlam village and also the respondent No. 3 Domphetkhlam village had also pleaded its case in the affidavit-in-opposition

filed in the earlier writ petition i.e. WP(C) No. 127/2013, and the case of the respondent No. 3 Domphetkhlam village was also supported by the documents. Serious disputed questions of fact between the parties i.e. as to whether the respondent No. 3 Domphetkhlam village was a part and parcel of the writ petitioner-Mawthungkper village or not had been decided by the respondent No. 2 Nongstoin Syiemship after giving the writ petitioner-Mawthungkper village and the respondent No. 3 Domphetkhlam village to produce oral and documentary evidence in support of their respective case by passing the impugned order dated 12.05.2014. In the writ petition, the High Court in its writ proceedings cannot decide the serious disputed question of fact. The Apex Court in *Vinay Shukla Vs. Union of India (UOI) and Others*, (2007) CriLJ 1448 : (2007) 3 JT 234 : (2007) 2 SCALE 60 : (2007) 2 SCC 464 held that since the petitioner had approached the court claiming for award of damages basing entirely on grounds factual in nature, which can be established only by recording oral evidence, it will be open to the petitioner to seek such legal remedy as is available to him in law and therefore, the writ petition is not maintainable. Para 4 of the SCC in *Vinay Shukla's* case (Supra) reads as follows:--

"4. Learned counsel has next submitted that the petitioner should be awarded damages for his illegal abduction and confinement by the authorities of the State. The allegations made by the petitioner are entirely factual in nature, which can be established only by recording oral evidence. It will be open to the petitioner to seek such legal remedy as is available to him in law for claiming damages on the ground of his alleged abduction and confinement. The writ petition is dismissed."

12. The Apex Court in *Chairman, Grid Corporation of Orissa Ltd. (Gridco) and Others Vs. Smt. Sukamani Das and Another*, (1999) 2 ACC 432 : (1999) 7 JT 109 : (1999) 123 PLR 569 : (1999) 5 SCALE 539 : (1999) 7 SCC 298 : (1999) 2 SCR 458 Supp : (1999) 2 UJ 1557 : (2000) WritLR 331 held that it is settled legal position that where the disputed questions of fact are involved in the writ petition under Article 226 of the Constitution, the writ petition is not a proper remedy. Para 6 of the SCC in *Sukamani Das's* case (Supra) reads as follows:--

"6. In our opinion, the High Court committed an error in entertaining the writ petitions even though they were not fit cases for exercising power under Article 226 of the Constitution. The High Court went wrong in proceeding on the basis that as the deaths had taken place because of electrocution as a result of the deceased coming into contact with snapped live wires of the electric transmission lines of the appellants, that "admitted/prima facie amounted to negligence on the part of the appellants". The High Court failed to appreciate that all these cases were actions in tort and negligence was required to be established firstly by the claimants. The mere fact that the wire of the electric transmission line belonging to Appellant 1 had snapped and the deceased had come in contact with it and had died was not by itself sufficient for awarding compensation."

13. The Apex Court in *D.L.F. Housing Construction (P) Ltd. Vs. Delhi Municipal*

Corpn. and Others, AIR 1976 SC 386 : (1976) 3 SCC 160 held that:

"20. In our opinion in a case where the basic facts are disputed, and complicated questions of law and fact depending on evidence are involved the writ court is not the proper forum for seeking relief. The right course for the High Court to follow was to dismiss the writ petition on this preliminary ground, without entering upon the merits of the case. In the absence of firm and adequate factual foundation, it was hazardous to embark upon a determination of the points involved. On this short ground while setting aside the findings of the High Court, we would dismiss both the writ petition and the appeal with costs. The appellants may, if so advised, seek their remedy by a regular suit."

14. The Apex Court in A. Shanmugam Vs. Ariya Kshatriya Rajakula Vamsathu Madalaya Nandhavana Paripalanai Sangam Represented by Its President etc., AIR 2012 SC 2010 : (2012) 3 RCR(Civil) 1 : (2012) 4 SCALE 666 : (2012) 6 SCC 430 : (2012) AIRSCW 3017 : (2012) 3 Supreme 460 held that every litigants is expected to state the truth before the law court whether it is pleadings, affidavits or evidence. Dishonest and unscrupulous litigants have no place in law courts. It is imperative that the Judges must have complete grip of the facts before they start dealing with the case. Para 23, 24, 26, 27, 28 and 29 of the SCC in A Shanmugam's case (Supra) read as follows:--

"23. We reiterate the immense importance and relevance of purity of pleadings. The pleadings need to be critically examined by the judicial officers or Judges both before issuing the ad interim injunction and/or framing issues.

24. The entire journey of a Judge is to discern the truth from the pleadings, documents and arguments of the parties. Truth is the basis of the justice delivery system. This Court in Dalip Singh Vs. State of U.P. and Others, (2009) 15 JT 201 : (2009) 14 SCALE 473 : (2010) 2 SCC 114 : (2009) 16 SCR 111 : (2010) AIRSCW 50 : (2009) 8 Supreme 485 observed that: (SCC p.116, para 1):

"1. Truth constituted an integral part of the justice delivery system which was in vogue in the pre-Independence era and people used to feel proud to tell the truth in the courts irrespective of the consequences. However, post-Independence period has seen drastic changes in our value system."

26. As stated in the preceding paragraphs, the pleadings are the foundation of litigation but experience reveals that sufficient attention is not paid to the pleadings and documents by the judicial officers before dealing with the case. It is the bounden duty and obligation of the parties to investigate and satisfy themselves as to the correctness and authenticity of the matter pleaded.

27. The pleadings must set forth sufficient factual details to the extent that it reduces the ability to put forward a false or exaggerated claim or defence. The pleadings must inspire confidence and credibility. If false averments, evasive denials are introduced, then the court must carefully look into it while deciding a case and insist that those who approach the court must approach it with clean

hands.

28. It was imperative that the Judges must have complete grip of the facts before they start dealing with the case. That would avoid unnecessary delay in disposal of the cases.

29. Ensuring discovery and production of documents and a proper admission/denial is imperative for deciding civil cases in a proper perspective. In relevant cases, the courts should encourage interrogatories to be administered."

15. For the reasons discussed above, this Court is of the considered view that the writ petition is not the appropriate forum for deciding the serious disputed question of fact and the serious disputed question of fact between the parties is to be decided by the civil court. Accordingly, the present writ petition is hereby dismissed.

16. However, it is left to the writ petitioner-Mawthungkper village to seek appropriate remedy before the appropriate forum. It is made clear that any observation made in this judgment and order, shall not stand in the way of deciding the aforesaid disputed question of fact between the parties by a civil court of competent jurisdiction.