
(2017) 06 MEG CK 0004
In the Meghalaya High Court
Case No : 395 of 2016

Shri Abdul Salam, S/o (L) Sainuddin Sk. APPELLANT
Vs
Garo Hills Autonomous District Council Represented by the RESPONDENT
Secretary, Executive Committee, & Ors.

Date of Decision : 07-06-2017

Acts Referred:

Citation : (2017) 06 MEG CK 0004

Hon'ble Judges : Sr Sen

Bench : Single Bench

Advocate : P. Shome, S. Dey

Final Decision : Allowed

Judgement

1. Heard Mr. P. Shome, learned counsel for the petitioner as well as Mr. S. Dey, learned Standing counsel for the respondents No. 1 & 2/GHADC. None appeared on behalf of the private respondent inspite of the notice served as submitted by the learned counsel for the petitioner.

2. The brief fact of the petitioner's case in a nutshell is that:

This is an application under Article 226 of the Constitution of India for issuance of writ of mandamus and/or certiorari and or any other writs, orders/directions of like nature assailing the impugned Order dated 05.08.2016 passed by the Respondent No. 1/Garo Hills Autonomous District Council, Tura and Order No. 138 dated 19.09.16 and Order 139 dated 21.09.2016 passed thereafter thereby removing the Petitioner from the post of Goanburaship in a most arbitrary and illegal manner on the basis of false and frivolous complaint filed against the Petitioner and appointing the Respondent No. 3 as the Goanbura in his place without any meeting or

referendum being held in absolute violation and disregard of the rules/procedure governing the succession and appointment of Goanbura.

Being highly aggrieved and dissatisfied with the impugned Order dated 05.08.2016 passed by the Respondent No. 1/Garo Hills Autonomous

District Council, Tura and Orders No. 138 dated 19.09.16 and 139 dated 21.09.2016, passed thereafter, the humble Petitioner is approaching

this Hon"ble Court by way of this instant writ petition for redressal of his genuine grievances.

3. The learned Standing counsel for the GHADC submits that they are ready to hold a fresh election. So, necessary directions may be given and the matter may be disposed of, to which the learned counsel for the petitioner also agreed.

4. After hearing the submissions advanced by the learned counsel for the parties and after going through the Annexures-8, 10 and 11, I am of the considered view that if fresh election is conducted, the matter will suffice and none of the parties will be aggrieved.

5. Considering the submissions advanced by the learned counsel, the impugned orders dated 05.08.2016; 19.09.2016 and 21.09.2016 annexed respectively at Annexures-8, 10 and 11 of the writ petition are hereby set aside. The Secretary, Executive Committee, Tura, South West Garo

Hills District, Meghalaya is directed to conduct a fresh election within a month from the date of receipt of this judgment and order.

6. With this observation and direction the writ petition is allowed to that extent and stands disposed of.