courtkutchehry.com

Company : CourtKutchehry
Website : www.courtkutchehry.com
Printed For :
Date : 17/09/2026

(2017) 12 MEG CK 0006

In the Meghalaya High Court

Case No : 51 of 2017

Shri. Ziarul islam — APPELLANT

Vs

Garo Hills Autonomous District Council & Ors. — RESPONDENT

Date of Decision : 04-12-2017

Acts Referred:
Constitution of India, Article 226 - Power of High Courts to Issue certain writs

Citation : (2017) 12 MEG CK 0006

Hon'ble Judges : S.R.Sen

Bench : Single Bench

Advocate : A.Dhar, S.Dey, S.A.Sheikh

Judgement

1. Heard Mr. A.Dhar, learned counsel on behalf of the petitioner, Mr. S.Dey, learned counsel on behalf of the respondents No. 1 and 2 and Mr.

S.A.Sheikh, learned counsel on behalf of the respondents No. 3 and 4.

2. 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 Orders dated 09.01.2017 and 08.02.2017 passed by the

Respondent No. 1/Secretary, Executive Committee, West Garo Hills District Council, Tura pursuant to the order dated 09.12.2016

passed by the Respondent No. 2/Executive Member I/C Land & Revenue, Garo Hills Autonomous District Council thereby

removing the Petitioner from the post of Gaonbura in a most arbitrary and illegal manner on the basis of a false and frivolous

complaint filed against the Petitioner and appointing the Respondent No. 3 as

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/shri-ziarul-islam-appellant-hash-gar..

Gaonbura in absolute violation of the rules and

procedure governing the succession, appointment and termination of Gaonbura. Being highly aggrieved and dissatisfied with the

impugned Orders dated 09.12.2016 and 09.01.2017 and 08.02.2017 passed by the Respondents authorities, the humble Petitioner

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

3. Mr. S.Dey, learned counsel for the respondents No. 1 and 2 filed an affidavit before this Court and submits that the Garo Hills Autonomous

District Council (for short GHADC) authority is ready to conduct a fresh election and both petitioner and the respondents No. 3 and 4 have liberty

to participate in the election for appointment of Gaonbura. Moreover, the GHADC is also ready to hold fresh election if the Hon''ble Court permits

the same. The same has specifically been mentioned at the end of paragraph 8 of his affidavit which reads as follows:

8. That the statement made in Paragraphs 8, 9, 10, 11 and 13 of the Writ Petition the answering respondent begs to state that the

Respondent No. 2 has inquired into the matter after he received complaint against the Petitioner, subsequently he has also deputed

officers to made spot enquiry into those complaints, claim and counter claims of both the parties after giving them equal opportunity.

The Petitioner was not in a position to justified those complaint as per the version of the Enquiry Officers henceforth his appointment

was cancelled. But since the Gaonbura are elected by the villagers and the GHADC is only the authority to issue appointment letters

to the elected person, however since the Petitioner was not satisfied with the enquiry, the GHADC authority will conduct fresh

enquiry into those complaint, claims and counter claims of both the parties, moreover the GHADC is also ready to hold fresh election

if the Hon''ble Court permit for the same"".

4. Both the learned counsels for the petitioner and the respondents No. 3 and 4 have no objection and I am of the view that this is the best solution

to decide the matter once and for all. Let the Revenue Officer, GHADC conduct a fresh election within a month, giving equal opportunity to both

the petitioner and the respondents No. 3 and 4 and to see that the election

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/shri-ziarul-islam-appellant-hash-gar…

should be fair and transparent.

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

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/shri-ziarul-islam-appellant-hash-gar…