

Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

CRP. No. 12 of 2020
With MC(CRP) No. 5 of 2020
Along with Caveat Ptn. No. 48 of 2020

Date of Order: 20.07.2020

Acting Syiem of Hima Myllem Vs. Shri. Muniswell Kurkalang

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. L. Khyriem, Adv.
For the Respondent(s) : Mr. B. Bhattacharjee, Adv.

i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes/No

This is an application under Rule 6 of the High Court of Meghalaya (Jurisdiction over District Council Courts) Order 2014, read with Article 227 of the Constitution of India, wherein the order dated 19.06.2020 passed by the learned Judge, District Council Court, Shillong in Misc. Case No. 7 of 2020 arising out of Title Suit No. 7 of 2020 is under challenged in this instant application.

Heard Mr. L. Khyriem, learned counsel for the petitioner and Mr. B. Bhattacharjee, learned counsel for the respondent.

The subject matter basically involved the alleged issuance of a work order dated 23.03.2020 said to be issued by the petitioner herein, which in effect has deprived the respondent herein of his right to participate or take part in the public auction, as regard the collection of daily tolls from public latrine at Basa Kwai, Iewduh, Hima Myllem.

The learned Judge, District Council Court, Shillong upon hearing the

respondent has accordingly issued the said impugned order dated 19.06.2020.

The petitioner herein being aggrieved by the said impugned order has accordingly approached this Court by way of this instant petition with a prayer to set aside the said impugned order dated 19.06.2020 being considered illegal and passed with material irregularity and in excess of jurisdiction.

In the interim, it is prayed that the impugned order be stayed pending hearing of this petition.

The respondent has appeared before this Court on the strength of a caveat petition filed before this Court and accordingly, no notice is required to be issued upon the respondent.

Caveat is accordingly discharged.

This Court has also noted the submission of the learned counsel for the respondent who has strongly opposed the grant for stay of the impugned order dated 19.06.2020 and has submitted that this matter may be finally heard on the next date.

Without going into the merits of the submission and contention of the parties, this Court is of the view that the Lower Court case record before the Court of the learned Judge, District Council Court, Shillong has to be produced before final hearing of the parties.

Accordingly, the Court of the learned Judge, District Council Court, Shillong is directed to cause production of the records within the next date fixed.

In the meantime, the operation of the impugned order dated 19.06.2020 is kept in abeyance until further orders.

List this matter on **27.07.2020** for records and further hearing.

Judge

Meghalaya
20.07.2020
"D. Nary, PS"