



Serial No. 04
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

MC (WA) No. 65 of 2021

In WA No. 22 of 2021

(Previous Temporary No. : WA No. 3 (T) 97 of 2021)

Date of order: 08.12.2021

Kamlising Mukhim

Vs.

State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. S. Deb, Adv.

For the Respondent(s) : Mr. S. Sengupta, Addl.Sr.GA

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

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

JUDGMENT: (per the Hon'ble, the Chief Justice) (Oral)

In view of the good grounds shown, the somewhat inordinate delay in preferring the appeal is condoned, since the petitioner claims to hail from a far flung place and a part of the delay may be attributed to the lockdown following the pandemic.

2. The grievance in the writ petition was that the petitioner had been ostracised by the Village Dorbar in Mawlein. By an order dated October 1, 2019 passed in the writ petition it was noticed that a resolution dated March 21, 2017 for socially boycotting the petitioner from the village, which had appeared in the Mawphor vernacular dated March 30, 2017, had been withdrawn by a resolution of the Dorbar passed on August 31, 2019.

3. The relevant order also recorded that though it had been submitted on behalf of the respondents to the writ petition that the resolution withdrawing the earlier decision would also be published in the same newspaper, such publication was not made. The headman of Mawlein



village appeared in person before the Single Bench seeking an apology. The headman was required to pay costs of Rs. 5000/- and the relevant publication was directed to be made without any further delay.

4. The matter was next taken up on October 21, 2019 when it was noticed that the relevant resolution had been published in the newspaper on September 21, 2019. The Court also recorded that the costs awarded had been tendered.

5. Since the principal grievance of the petitioner was that he had been treated as an outcast following the publication of the relevant resolution in the newspaper and such resolution had subsequently been withdrawn and the publication thereof duly effected, the relief sought by the petitioner was perceived to have been granted and the writ petition was closed and disposed of.

6. It is evident from the prayers in the writ petition that the principal challenge therein was to the resolution dated March 21, 2017. The consequential reliefs sought were for a direction on the respondent Nos. 7 and 8 to the petition to allow the petitioner to stay at Mawlein village along with the family members and to not unduly interfere with the petitioner in the petitioner's discharge of his social duties.

7. Upon the relevant resolution being withdrawn, there was no question of the petitioner being dealt with otherwise than as any other citizen. The effect of the withdrawal of the resolution was that the petitioner was free to stay at Mawlein village and conduct his life in the usual course.

8. Vague and unsubstantiated allegations of interference in the petitioner's life are now levelled, which cannot be looked into in



proceedings under Article 226 of the Constitution, which are decided in a summary manner on affidavit evidence.

9. In such circumstances, since the principal prayer sought by the petitioner had already been granted upon the relevant resolution of March 30, 2017 being withdrawn and due publication thereof effected, there does not appear to be any infirmity in the order impugned dated September 21, 2019. Accordingly, WA No. 22 of 2021 is disposed of without interfering with the impugned order. MC (WA) No. 65 of 2021 is disposed of.

10. There will be no order as to costs.

(W. Diengdoh)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
08.12.2021
"Sylvana PS"

