



Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No.2/2018

Date of Order: 06.06.2018

Shri Dame Wanhi Rymbai Vs State of Meghalaya & anr

Coram:

Hon’ble Mr. Justice Mohammad Yaqoob Mir, Chief Justice
Hon’ble Mr. Justice S.R. Sen, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. AS Siddique, Adv
For the Respondent(s) : Mr. K Khan, Sr.GA

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

Per Mohammad Yaqoob Mir, ‘CJ’

1. Vide Notification dated 09.01.2018, it has been notified that the Governor of Meghalaya has approved shifting of the existing Community and Rural Development Block headquarter from Wapung to Lumshnong, East Jaintia Hills District, however, it will continue to function from the present C&RD Block office at Khliehriat till construction of office building is completed at Lumshnong. Aggrieved whereof, the petitioners have filed the instant petition in public interest seeking quashment of the said notification.
2. From the records, admitted position as emerge is that East Jaintia Hills District of the State of Meghalaya has been created on 31.07.2012 with its Headquarter at Khliehriat.
3. The District Administration in the year 2014 noticed that the existing Block Development Office, Khliehriat situated adjacent to the Community Health Centre needs to be shifted so that the present Community Health Centre at Khliehriat is upgraded to a full-fledged hospital. That being so, bigger area of land will be required to accommodate hospital building, additional quarters for doctors, nurses



and staff. In the same background, survey was got conducted for shifting of the Block Development Office to an appropriate place approachable by inhabitants of 109 villages falling within the said Block. After proper survey, Wapung village was identified.

4. A joint inspection was conducted on 07.05.2014 in presence of Additional Deputy Commissioner and District Planning Officer, Khliehriat with Block Development Officer, Khliehriat and all the Headmen of Wapung Skur and Wapung Shong villages. A big play field measuring 10,127 sq.m. or 2.5 acres at Wapung Skur and another patch of land measuring 2.6 acres approximately under Wapung Shnong making it total as 5 acres, were found quite feasible for the construction of new offices of Khliehriat Development Block. On survey, it had been noticed that the said identified land is half a kilometer away from the National Highway No.44 and adjacent to the existing PHC and is well connected through PWD road. In addition, the village has a weekly bazar and banking facility. The said 5 acres of land were donated free of cost by the two village authorities to the Community and Rural Development Department for the purpose of construction of new Block Offices. The said identified land is at a distance of approximately 10 Km from the District Headquarter Khliehriat.

5. A report was prepared and submitted to the Principal Secretary to the Government of Meghalaya, Community and Rural Development, Shillong, by the Deputy Commissioner, East Jaintia Hills District vide his letter No.EJHD/Dev.57/2013/12 dated 13.06.2014.

6. Steps were taken for shifting the existing Office of the Block Development Office, Khliehriat Development Block with staff quarters to Wapung.

7. The Health Department on 12.02.2016 started to plan upgrading the existing Community Health Centre at Khliehriat. The project for shifting was finalized. The Secretary, Health and Family Welfare Department vide his letter dated 18.04.2016 permitted utilization of the building of Block Development Office, Khliehriat by the Health



Department for construction of proposed 50 bedded Maternal and Child Health Hospital.

8. Finally, on the basis of complete survey and above stated position, the respondent No.1 (Commissioner and Secretary, Community and Rural Development, Shillong) issued Government Notification CDD.129/2014/35 dated 07.11.2016 conveying approval of the Governor of Meghalaya for shifting of the existing office of the Block Development Office, Khliehriat Community and Rural Development Block with staff quarters to Wapung.

9. It appears that the Dorbar Shnong of Wapung village represented by Glitter Rymbai executed a Gift Deed on 21.04.2017 in favour of the Government of Meghalaya donating a plot of land measuring 2.6 acres situated at Wapung Shnong village for the purpose of construction and setting up the office of Wapung Community and Rural Development Block. Likewise, the Dorbar Shnong of Wapung Skur village represented by Shri Satly Ryngkhlem executed a Gift Deed on 21.04.2017 for a plot of land measuring 10,127 sq.m. situated at Madan Satrang, Wapung Skur for the purpose of construction and setting up office of Wapung Community and Rural Development Block.

10. In the petition, it is alleged that the Minister in-charge Community and Rural Development inaugurated the Block Development Office at Wapung Skur in presence of the villagers and the representative of District Administration.

11. Over a period of four years beginning from the year 2014 after completing survey, the Block was established at Wapung but surprisingly the respondent No.1 issued Notification No.CDD.129/2014/64 dated 09.01.2018 conveying that the Governor of Meghalaya has approved the shifting of the existing Wapung Community and Rural Development Block Headquarter from Wapung to Lumshnong, East Jaintia Hills District much to the annoyance of the residents of Wapung. As a result, whereof, they have represented to the Hon'ble Governor as well as to the Chief Minister of Meghalaya on 23.01.2018 for redressing their grievance i.e. not to shift the Block from



Wapung which was allegedly politically motivated but without any logic. When the petitioners failed to receive any response from the respondent-authorities, the instant PIL was filed.

12. It has also come on record that an amount of Rs.25 lakhs allotted to the Block were spent for the purpose of construction of Bharat Nirman Rajiv Gandhi Seva Kendra.

13. The respondents No.1 and 2 have filed counter affidavit stating therein that the Notification for shifting of Block from Wapung to Lumshnong was decided on the demand of public belonging to villages on the southern part of Khliehriat town who have expressed difficulty to visit the said Block office. Lumshnong was found a central place. Further, it has been stated that no expenditure has been incurred for construction of Block Office. However, an amount of Rs.25 lakhs each for the purpose of construction of Bharat Nirman Rajiv Gandhi Seva Kendra stands allotted to all the Block Headquarters as per the guidelines of Government of India.

14. In the rejoinder affidavit, it has been highlighted that Rs.25 lakhs have been spent for construction of Bharat Nirman Rajiv Gandhi Seva Kendra which, in fact, is part of the Block Headquarter as per the guidelines of Government of India. After spending such a huge amount, the respondents cannot take an arbitrary decision to shift the Headquarter to some other place which shall be at the cost of public exchequer.

15. During the course of hearing both learned counsel for the parties stated that the Block office is presently functioning from Head-Quarter Khliehriat.

16. An important aspect i.e. after 4 years w.e.f. the year 2014 after conduct of survey and looking into the feasibility, then offer of land by the villagers of Wapung Shnong and Wapung Skur, a conscious decision was taken in the year 2016 for shifting the Block to Wapung and it started functioning from Wapung. On the representation of some other villagers, without conducting any proper survey, abruptly a surprising decision has been taken for shifting the Block to Lumshnong which has given rise to acrimonious situation prompting the villagers to represent



against such decision and finally, the petitioners have come forward with this Public Interest Litigation.

17. In para 13 of the counter affidavit filed by the respondents No.1 and 2, it has been specifically stated that the matter is under active consideration before the Chief Minister's Secretariat as the Secretary to the Government of Meghalaya, Community and Rural Development Department has already forwarded a letter dated 06.02.2018 to the Principal Secretary to the Government of Meghalaya, Chief Minister's Secretariat stating the view for shifting of Khliehriat Community and Rural Development Block to Wapung and thereafter to Lumshnong as Headquarter.

18. The matter being under active consideration of the Chief Minister's Secretariat, both learned counsel for the parties agreed that the representations being pending are required to be considered seriously, therefore, they have full trust and hope that their concern will be addressed and grievances of the petitioners' redressed. They made a joint submission to the effect that the Chief Minister's Secretariat may be directed to accord consideration to the representations and accord due consideration to the grievances of the petitioners within some time period.

19. Considering the rival submissions and entire pleadings coupled with the facts that the matter is under active consideration before the Chief Minister's Secretariat, learned counsel for the parties have rightly made a joint submission for effectual consideration of the representations by the said Secretariat within some time period. Therefore, with the consent of learned counsel for the parties, this petition is disposed of with a direction to the respondents to pursue the matter so that the Chief Minister's Secretariat after considering the entire gamut of the matter afresh vis-à-vis revoking or otherwise of the Notification No.CCD.129/2014/64 dated 09.01.2018 providing for shifting of the Block Headquarter to Lumshnong. After due consideration, decision shall be taken within a period of six weeks from the date of the copy of order is served upon the respondents. In the process, the petitioners along with other stakeholders shall be given



proper opportunity of being heard and the larger public interest shall be kept in mind.

20. The decision whatever taken shall be conveyed to the parties, more particularly to the petitioners. Right is reserved to the petitioners to re-agitate subject to survival of cause.

21. Disposed of as above.

(S.R. Sen)
Judge

(Mohammad Yaqoob Mir)
Chief Justice

Meghalaya
06.06.2018
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