



Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WA No. 18 of 2021
In WP(C) No. 104 of 2021

Date of order: 26.07.2022

Koshilya Choudhury vs. The Union of India & ors.

Coram:

Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Appellant : Mr. K. Paul, Sr. Adv. with
Mr. S. Chanda, Adv.

For the Respondents : Dr. N. Mozika, ASG with
Ms. A. Pradhan, Adv.

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

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

The grievance in the writ petition is to the high-handed manner in which the respondent authorities evicted the writ petitioner from one or more shop-rooms where she had been inducted for a limited duration.

2. By way of justification, the respondent authorities say that the writ petitioner-appellant overstayed her welcome and was liable to vacate the premises.

3. Though there may be no equity in favour of the appellant in this case, in the system followed in this country governed by the rule of law, no person or the high or mighty can take the law into its own hands and



evict a person – even a rank trespasser– without resorting to the procedure established by law.

4. The appellant's articles were said to have been inventorised and kept aside and the respondents claim that the appellant refused to receive the articles even when offered. Pursuant to an observation by this Court last week, the articles have been handed over to the appellant, though the appellant claims that several of the articles in the premises have gone missing.

5. As to the missing articles, if any, it will be open to the appellant to take appropriate steps in accordance with law for the possible recovery thereof. As far as the respondent authorities are concerned, since the act is done and there is no equity in favour of the appellant, the appellant cannot be put back into possession; however, the respondents will pay token costs assessed at Rs. 10,000/- to the appellant.

6. The respondents are reminded that whatever may be their might, they must act strictly in accordance with law and not resort to summary eviction without following the due legal process therefor.

7. In view of the above, the judgment and order impugned dated March 23, 2021 is modified to the limited extent.

8. W.A. No. 18 of 2021 along with WP(C) No. 104 of 2021 are disposed of. There will be no further order as to costs.

(W. Diengdoh)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
26.07.2022
"Sylvana PS"