

HIGH COURT OF MEGHALAYA
AT SHILLONG

WA .No. 9 of 2018

Date of Decision: 21.02.2019

Smti. Nonam. M. Sangma Vs. Smti. Intak Ch. Marak & 2 Ors.

Coram: Hon'ble Mr. Justice S.R. Sen, Judge
Hon'ble Mr. Justice H. S.Thangkhiew, Judge

Appearance:

For the Petitioner(s)/Appellants : Ms. G.D. Shira, Adv.

For the Respondent(s) : Mrs. S.G. Momin, Adv. (For R 1)
Mrs. N. Gurung, Adv. (For R 2&3)

S.R.Sen “J” (Oral)

1. This inter-court appeal is moved by the appellant.
2. Learned counsel Ms. G.D. Shira appeared on behalf of the appellant, Mrs. S.G. Momin, learned counsel appeared on behalf of the respondent No. 1 and Mrs. N. Gurung, learned counsel appeared on behalf of the respondent No. 2 and 3.
3. We have heard the learned counsels for the parties and we have carefully gone through the impugned judgment and order dated 08-10-2018 passed in WP(C) No. 384 of 2014 by the learned Single Judge of this Court.
4. After going through the impugned judgment at para 8, we have noticed that the learned Single Judge has passed this order on the consent of both the parties and remanded the matter to the Executive Member I/C Revenue, Garo Hills District Council, Tura to hold the de novo trial and give an opportunity to both the



parties after following the procedure as referred above and to decide the matter afresh with promptitude.

5. Para 8 of the impugned judgment is reproduce herein below:

“8. The learned counsel for the parties, confronted with the position of law and procedure, agreed for setting aside both the orders i.e., of the Chief Executive Member and of the Executive Member, rightly so, because the disputed questions of fact cannot be decided in writ proceedings. Both Executive Member and Chief Executive Member have committed error in not following the proper procedure and in not addressing the issues in their right perspective, therefore, in that background indulgence is warranted. Writ petition as such is allowed, both orders passed by the Chief Executive Member dated 26.08.2014 as well as order dated 16.10.2008 passed by the Executive Member are set aside. The Executive Member I/C Revenue, Garo Hills District Council, Tura shall hold the de novo trial, hear both the parties after following the procedure as referred above shall decide the matter afresh with promptitude.”

6. After hearing the submission of the learned counsels for the parties and after going through the impugned judgment, we could not find any infirmity or illegality in the judgment. Therefore, we are not inclined to interfere with the impugned judgment and order passed by learned Single Judge of this High Court.
7. Accordingly, writ appeal is dismissed and stands disposed of.

(H.S. Thangkhiew)
Judge

(S.R. Sen)
Judge

Meghalaya
21.02.2019
“S. Rynjah PS”