

Serial No.03
Supp. List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 183 of 2025

Date of Order: 23.05.2025

Shri. Kyrshon Marbaniang & Anr. Vs. State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice H.S.Thangkhiew, Judge

Appearance:

For the Petitioner/Applicant(s) : Mr. N.Syngkon, Adv.
Ms. L.Phanjom, Adv.

For the Respondent(s) : Mr. N.D.Chullai, AAG with
Ms. Z.E.Nongkynrih, GA for R 1,5 to 7.
Mr. T.T.Diengdoh, Sr. Adv. with
Mr. C.C.T.Sangma, Adv. for R 2.
Mr. L.Khyriem, Adv. for R 3.
Mr. R.K.Synrem, Adv. for R 4.
Mr. R.J.Kharjahirin, Adv. for R 8.

1. It is indeed unfortunate that the petitioner No. 1 who is the Lyngdoh (Priest) of Raid Myllem, Myllem Syiemship, together with the petitioner No. 2, a member of the Nongkhlaw clan, has to knock upon the doors of the Court to seek relief and directions for the holding of age-old rituals of the of the residents of Myllem belonging to the Khasi indigenous faith, which has been practiced since time immemorial. The rituals in question is the 'Ka Leh

Niam Raid Myllem' which is held annually in the month of May, which has great religious significance for Raid Myllem. The said religious rituals as per records is held in two parts, at Mawnariang and at Lum Shyllong. As per custom, the petitioner No.1 who is the prime religious functionary is responsible to discharge the important duty to make all preparations which are necessary for the rituals, meaning the articles that are to be used, apart from the offerings and other instruments. The other constituents which include the members of the respondent No. 4 who are Members or Myntris of 11 Kurs or Clans of Raid Myllem also have an important role to play in holding this event and from amongst these Clans, are the Lyngskor from the Sohtun Clan, and the Myntri of the Nongkhlaw Rngi Clan. As per custom, before these rituals are held, a dorbar is convened by the Lyngskor to discuss this religious event of the Raid Myllem and to fix dates for the same.

2. It is the case of the petitioner that, such a dorbar had been fixed on 14-04-2025 in the office of the respondent No. 3, and that in the said meeting, the constituents of respondent No. 4, had informed that the religious performance would not be held and that the same would be decided in the next meeting of the dorbar on 25-04-2025, to be held at Iew Myllem Rim as per practice. However, in the said dorbar on 25-04-2025, where the petitioner No.1 attended, besides members of the public belonging to the indigenous faith as the same was of great importance, before any final

decision could be arrived at, an altercation broke out between respondent No. 8 and a member of Nongkhlaw Clan which resulted in an FIR dated 25-04-2025 being filed against the respondent No. 8 for his actions.

3. In the above noted backdrop, the all important issue that is the holding of the religious ceremonies of Raid Myllem could not be resolved. As it was imperative that the said customary religious ceremonies be held in the month of May itself, the petitioner No. 1 as the Priest and Lyngdoh had proposed 24th May, 2025 to 29th May, 2025 as the dates for holding the said event.

4. Thereafter, it appears from the materials as placed, the Lyngskor of the Raid Myllem was petitioned by the petitioner No. 1 and by the public by letter dated 19th May, 2025 that the annual ritual ceremonies be allowed to be conducted on the scheduled dates, which however, it appears met with no response and resulted in the matter coming before this Court.

5. This Court on the matter being moved on the 11th hour, and considering the short time available, had directed for notice to be issued immediately, and to try and resolve the issue, as it had been submitted that it was necessary that the members of the respondent No. 4 and the petitioner No. 1 meet to decide on the issue, then by order dated 22-05-2025 which is reproduced herein below had directed as follows:

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Mr. T.T.Diengdoh, Sr. Adv. with
Mr. C.C.T.Sangma, Adv. for R 2.
Mr. L.Kynriem, Adv. for R 3.
Mr. R.K.Synrem, Adv. for R 4.
Mr. R.J.Kharjahirin, Adv. for R 8.***

1. Today, Mr. T.T.Deingdoh, learned Sr. counsel assisted by Mr. C.C.T.Sangma, learned counsel is present on behalf of the respondent No. 2 and Mr. L.Khyriem, learned counsel is present on behalf of the respondent No. 3, Mr. R.K.Synrem, learned counsel is present for the respondent No. 4 and Mr. R.J.Kharjahirin, learned counsel is present on behalf of the respondent No. 8, as such, no further steps is required.

2. Extra copies to be supplied to the respondents.

3. The petitioner No. 1, who is stated to be the Lyngdoh of Raid Myllem and the petitioner No. 2, who is stated to be an interested person, are before this Court with a prayer that the

Leh Naim of Raid Myllem which is a customary ritual, and as per submissions, scheduled to be performed on 24-05-2025 at Mawnarian and Lum Shyllong be conducted as scheduled.

4. *The difficulty that has been projected before this Court by the petitioners is that though a meeting was held to decide upon the dates by a customary dorbar consisting of the respondent No. 4 also, the same could not be achieved due to a dispute between the respondent No. 8 and the petitioners which resulted in an FIR being filed on 25-04-2025. It is submitted that as it is a very important customary ritual that has been performed since time immemorial, the same should not be disrupted and should be allowed to continue on the dates so fixed.*

5. *From the side of the respondents, Mr. R.K.Synrem, learned counsel appearing for the respondent No. 4, who is the Myntri 5 Kur 11 Kur of Hima Myllem submits that it is not disputed that the holding of the ritual for Leh Naim of Raid Myllem and Lum Shyllong is a ritual that has to be performed annually, and has submitted that as per custom and practice, the dorbar of the Myntri of the 5 Kur 11 Kur, together with the petitioner No. 1 and the other elders and headmen are to convene and decide on the same. He also submits that it is due to the disruption that had happened in the dorbar on 25-04-2025 that the dates could not be agreed upon. He further submits that as per customs also, the ritual has to be held on the month of May and for that the dorbar has to be convened to decide on the dates.*

6. *The other respondents also do not dispute the submission made by the counsel for the petitioners and the respondent No. 4.*

7. *This Court on hearing the learned counsels for the petitioner and the respondent No. 4, notes that it is a fact that the Leh Niam Raid Myllem has to be performed after the dorbar of Raid Myllem has been convened wherein the essential participants are the Lyngdoh and the Myntri 5 Kur 11 Kur to decide on the dates as they are essential for the performance of the rituals also. It is seen that in view of the disruption that had happened, there is no clear picture as to*

a way forward, except for the dates that has been proposed by the petitioner (Lyngdoh).

8. Looking at the larger picture, and in view of the fact that the residents of Raid Myllem who still follow the indigenous faith have even petitioned the Lyngskor, as it has been made known to them that perhaps the rituals may not happen this year, a certain via media has to be worked out by this Court so that at least the community shall not feel that they have been deprived of essential rituals which is the customary practice of the Raid Myllem.

9. On a query from this Court, Mr. R.K.Synrem, learned counsel for the respondent No. 4 submits that the time available is perhaps too short to have a proper dorbar, but has however volunteered that an attempt can be made to get together the most important constituents of the dorbar to atleast come to some decision. This Court also notes that the Syiem of Myllem has an important role to play, inasmuch as, before the commencement of the rituals, voluntary contributions are received in the office of the Syiem of Myllem which are used to defray the expenses that will be incurred in the performance of the rituals.

10. As it has been categorically submitted by the parties that the ritual cannot be conducted or held after May, and taking into account the sentiments of the community, in the interest of justice, it is directed that the petitioner No.1 and the respondent and 4 shall meet today itself, as by convention, in the office of the Syiem of Myllem. The respondent No. 8 represented by Mr. R.J.Kharjahrin, learned counsel has fairly submitted that the respondent No. 8 will ensure his cooperation to see that the dorbar is fruitful and the rituals are carried out in a normal manner.

11. My L.Khyriem, learned counsel who is present on behalf of the Syiem of Myllem is directed to ensure that the Syiem of Myllem deposes two Myntris to be as observers in the said dorbar so that the matters are conducted in a peaceful, cordial and lawful manner.

12. Mr. T.T.Diengdoh, learned Sr. counsel assisted by Mr. C.C.T.Sangma, learned counsel who is present on behalf of the District Council has expressed his view that the matter should have an amicable and harmonious conclusion so that the greater populace are not affected.

13. On the directions above, it is expected that immediate steps be taken by the learned counsels present, to ensure the meeting today itself to fix the dates and since there is shortage of time, to consider the dates proposed by the petitioner.

14. List this matter tomorrow i.e. 23-05-2025.

15. Copy of this order to be given to the learned counsels for the parties.

***Sd/-
Judge”***

6. This Court thereafter, was hopeful and in anticipation that the members of the respondent No. 4 and respondent No. 8 would facilitate the conduct of the religious rituals considering its importance and the meaning it had for the public and that the dorbar would have a positive outcome. However, when the matter was taken up today, the counsels for the respondent No. 4, produced a report of the dorbar held on 22-05-2025 as per the directions of this Court, wherein it was recorded that though they respect the importance of the rituals ‘U Lei Shyllong Syiem Shyllong’ and that the same should be conducted as per prevailing customs and traditions, due to the requirements that had to be fulfilled before such rituals i.e. the contribution to be received from the Kurkalang Clan and the holding of

proper dorbar, it was conveyed that the rituals for this year be abandoned and that the same be conducted in the following year.

7. Mr. N.Syngkon, learned counsel for the petitioners has submitted that when all the members were present, and it being a duty of the petitioner No. 1 to make all the necessary arrangement as per custom, for which all arrangements have been made, the decision to not allow the rituals to be performed will have a far reaching and depressing effect on the people of Raid Myllem professing the Niam Khasi faith, as it will be a denial of their right to an important religious event which has been in practice since time immemorial. It is further submitted that as all preparation has been made, notwithstanding the fact that the Myntris or members of respondent No. 4 are unwilling to perform their customary duties, other members of these clan themselves are willing to perform the said duties. He therefore, prays that for the larger interest and religious sentiments of the public, the rituals as scheduled be allowed to take place.

8. Mr. R.K.Synrem, learned counsel on behalf of the respondent No. 4 has also submitted that he had made all efforts to convince the members of respondent No. 4 and also as to the purport of this Court's order in directing for a dorbar to be held to decide on the matter. He has however, expressed his helplessness in view of the stand taken by the members of respondent No. 4.

9. Mr. T.T.Diengdoh, learned Sr. counsel assisted by Mr. C.C.T.Sangma, learned counsel on behalf of the respondent District Council has submitted that taking into account the religious significance of the event which is held annually and considering the religious sentiments of the public who would be affected, it would be in the interest of justice, if directions are issued for the rituals to be held on the dates proposed and scheduled by the petitioner No. 1.

10. On behalf of the other respondents, Mr. L.Khyriem, learned counsel on behalf of the respondent No. 3 has submitted that as per the direction of this Court, the dorbar was held in the office of the respondent No. 3 and two Myntri observers were also deputed for the same.

11. Mr. R.Kharjahirin, learned counsel for the respondent No. 8 has also submitted that the respondent No. 8 also had cooperated and that had expressed that any decision was to be arrived at together by members of the respondent No. 4 and the dorbar Raid Myllem.

12. This Court on hearing the parties and in consideration of the facts and circumstances of the case, specially taking into account the sensitivity and sentiments involved, in order to bring about an amicable solution had by the order dated 22-05-2025 directed for the dorbar to be convened in order to enable the performance of the religious rituals which are intrinsic and

important, but however, the same did not yield the desired result. A perusal of the minutes of the dorbar dated 22-05-2025 held at 4 p.m. in the office of the respondent No. 3, as had been produced by learned counsels, infact, reflects that apart from expressing the difficulties and obstacles in holding the rituals, no constructive suggestions were given by the members of respondent No. 4, to facilitate the same, which is strange considering the importance of the event for the residents of Raid Mylliem.

13. This Court has also noted that the matter was to receive due consideration by the respondent No. 4 and its members well before the scheduled dates, but as it can be seen from the events of the dorbar held on 14-04-2025 and 25-04-2025, due to personal differences which even resulted in FIRs being filed, the greater interest of the public of Raid Mylliem had been overlooked by its supposed guardians, resulting in the deprivation and trampling of the customary rights and practices of the public.

14. This being the situation, and considering the compelling circumstances, this Court in consideration of the customary rights, practices and religious rights and sentiments, and that the rituals have to be completed in the month of May itself, is constrained therefore, to issue the following

directions to ensure the performance of the rituals as scheduled even if the same be token in nature.

(i) As suggested by the petitioner No.1, the names of persons belonging to respective Clans who are to participate in the rituals shall be submitted to the office of the respondent No. 3 for acknowledgement, which however will also not bar the members of the respondent No. 4 taking part in the same if they so choose to.

(ii) To ensure the peaceful performance of the rituals keeping in view the situation, the respondent No. 5 and 6 shall ensure adequate security being put in place.

15. As these rituals have been allowed to be performed on the scheduled dates by this Court, it is expected that the members of the respondent No.4 cooperate in the same, in the larger interest and common good of Raid Myllem and its populace.

16. List this matter on 04-06-2025.

17. Copy of this order be given to learned AAG for onward transmission to the respondents No. 5 and 6 by his office.

Judge

Meghalaya
23.05.2025
"Samantha PS"