



2024:MLHC:310

Serial No.24
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 214 of 2023

Date of Decision :22.04.2024

Shri. Stophainly Paliar,
Lyngdoh of Mawkyrda 3 Kpoh (Lai Kynthei)
Paliar Clan,
Son of Shri. K.Thongi,
Resident of Awro village,
Nobosohphoh Syiemship,
South West Khasi Hills, Meghalaya.

...Petitioner

-Vs-

1. The Office of the Syiem of Nobosohphoh,
Represented by its Chief,
Rangblang Village, Nobosohphoh Syiemship,
South West Khasi Hills District,
Meghalaya.
2. Shri. Phaiborlin Paliar,
Resident of Nongdiloin Village,
Nobosohphoh Syiemship,
South West Khasi Hills District,
Meghalaya.
3. Shri. Briston Paliar,
Resident of Phlangmawprah Village,
Langrin Syiemship,
South West Khasi Hills District,
Meghalaya.

...Respondents.



Coram:

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

Appearance:

For the Petitioner/Appellant(s) : Dr. N.Mozika, Sr. Adv. with
Mr. M.L.Nongpiur, Adv.

For the Respondent(s) : Mr.H.L.Shangreiso, Sr. Adv. with
Mr. T.Dkhar, Adv. for R1.
Mr. T.T.Deingdoh, Sr. Adv. with
Mr. C.C.T.Sangma, Adv. for R 2 & 3.

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

JUDGMENT AND ORDER (ORAL)

1. This Court, vide order dated 21-03-2024 had directed as follows:

“In the course of hearing, this Court had proposed to remand the matter back to the respondent No. 1 for conducting an enquiry by affording adequate opportunity to the petitioner to present his case, but it has been noted that the complainant at the time of lodging the compliant itself, had recommended the name of respondent No. 2 to be the Acting Lyngdoh which was acceded to by respondent No. 1, and there is a suspicion of collusion among the respondents.

The interest of justice demands that when the denovo enquiry is held, the same should be free and fair.



In this regard, Mr. H.L.Shangreiso, learned Sr. counsel assisted by Ms. E.Wanniang, learned counsel for the respondent No. 1 prays that he may be allowed to receive instructions as to who will be the Enquiry Officer to conduct an impartial enquiry, in the denovo enquiry proceedings.

Accordingly, list this matter on 05-04-2024 for further orders.”

Mr. H.L.Shangreiso, learned Sr. counsel assisted by Mr. T.Dkhar, learned counsel on behalf of respondent No. 1 had supplied the names of two persons namely, (1) Relestar Lyngdoh and (2) Shaiborlang Wahlang.

2. On instructions being received, Dr. N.Mozika, learned Sr. counsel assisted by Mr. M.L.Nongpiur, learned counsel on behalf of the petitioner, has submitted that they are agreeable to Shri. Relestar Lyngdoh being appointed as Enquiry Officer to conduct the denovo enquiry.

3. In this view of the matter, this writ petition is disposed of at this stage itself, by appointing the said Shri. Relestar Lyngdoh to be the Enquiry Officer to adjudicate upon the matter pertaining to the complaint against the Lyngdoh Paliar Mawkyrda 3 Kpoh (Lai Kynthei) Clan. The same should be completed within two months from the date of receipt of the order by the respondent No.1.

4. In the intervening period, should any issue arise with regard to the matters within the said clan, the same shall be referred to respondent No. 1 for clarification or decisions. It is further provided that as in the complaint



2024:MLHC:310

itself, the name of respondent No. 2 had been suggested to be the Acting Lyngdoh which was acceded to by respondent No. 1 at that time, the said Shri. Phaiborlin Paliar shall no longer function as Acting Lyngdoh till disposal of the enquiry and orders passed thereon by respondent No.1.

5. With the above directions, this writ petition stands closed and disposed of.

Judge

Meghalaya
22.04.2024
"Samantha PS"