



2024:MLHC:186

Serial No. 07
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 273 of 2023

Date of Decision: 11.03.2024

Smti. Pratima Gupta
W/o (L) Bhisudev Gupta
R/o Indra Kuthir, Short Round
Road, Forest Colony, Shillong
East Khasi Hills District, Meghalaya

::::Petitioner

-Vs-

1.State of Meghalaya
Represented by the Chief
Secretary, Government of Meghalaya

2.Additional Deputy Commissioner,
Revenue
East Khasi Hills District, Meghalaya

3.Deputy Commissioner,
East Khasi Hills District, Meghalaya

4.Shri. Jagmohan Prasad Kushwaha
S/o (L) R.P. Kushwaha
R/o Polo Hills, Shillong
East Khasi Hills District, Meghalaya

::::Respondents

Coram:

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

**Appearance:**

For the Petitioner/Appellant(s) : Mr. K. Ch. Gautam, Adv.

For the Respondent(s) : Ms. Z.E.Nongkynrih, GA(For R 1-3)
Mr. S. Jindal, Adv. (For R 4).

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. The writ petitioner by way of the instant writ petition has sought a mandamus, to not give effect to the impugned Lease Agreement dated 23.12.2021, which had been issued in favour of the respondent No. 4. The subject matter in issue on examination, concerns the dispute with regard to the sale of a plot of land by the petitioner's late husband to the respondent No. 4, wherein after an agreement for sale had been executed and the property handed over, it has been alleged by the petitioner that the full consideration for the same was not fulfilled. A representation had also been filed before the Revenue Authorities for cancellation of the said Lease Agreement dated 23.12.2021, and on its non-disposal, the petitioner has also prayed for directions to issue in this regard, for disposal of the same.



2. On behalf the respondent No. 4, an affidavit has been filed questioning the maintainability of the instant writ petition, especially on the ground that the same involves a transaction for sale of the property, and the claims of the petitioner that the entire consideration as agreed has not been paid.

3. This Court has examined the matter in detail, and though the final prayer of the counsel for the petitioner, that only a direction is sought for disposal of the representation aforementioned, it is noted however that, the same is inextricably wedded to the facts in dispute, and is a fall out of the said transaction for sale.

4. In this view of the circumstances, the claims and counter claims of the parties being squarely in the realm of disputed facts, this writ petition is held to be not maintainable and is dismissed, leaving the petitioner to seek alternative remedy, as available under law.

5. This writ petition accordingly stands closed and disposed of.

Judge

Meghalaya
11.03.2024
“D.Thabah-PS”