



Serial No.25 & 26
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 315 of 2023

Date of Decision :12.04.2024

Shri. Ajit Paul,
S/o. Shri. Umesh Chandra Paul,
Resident of Barapathar,
East-A, Shillong,
East Khasi Hills District,
Meghalaya.

...Petitioner

-Vs-

1. The Khasi Hills Autonomous District Council,
Represented by its Secretary,
Executive Committee,
Shillong, East Khasi Hills District,
Meghalaya.
2. Executive Member, I/c. Trade etc.,
Khasi Hills Autonomous District Council,
East Khasi Hills District,
Meghalaya.
3. Licensing Officer, I/c. Trade etc.,
Khasi Hills Autonomous District Council, Shillong,
East Khasi Hills District,
Meghalaya.
4. Syiem of Myllem, Myllem Syiemship,
Mawkhar, East Khasi Hills District,
Meghalaya.

...Respondents



AND

WP(C). No. 318 of 2023

1. Shri. Mithun Dey,
Son of Shri Pati Dey,
Resident of Upper Jail Road,
Shillong, East Khasi Hills District,
Meghalaya.
2. Shri Samir Kuri,
Son of (L) Rishikesh Kuri,
Resident of Lower Mawprem,
Shillong, East Khasi Hills District,
Meghalaya.
3. Shri Prasanta Kumar Paul,
Son of Shri. S.K.Paul ,
Resident of Upper Jail Road,
Shillong, East Khasi Hills District,
Meghalaya.
4. Shri. Rupon Paul,
Son of Shri. Amendra Paul,
Resident of Mawbah,
Shillong, East Khasi Hills District,
Meghalaya.
5. Shri. Abdul Latif Ashrafi,
Son of Mawlana A. Aziz,
Resident of Umsohsun,
Shillong, East Khasi Hills District,
Meghalaya.
6. Shri Jhantu Chandra Dey,
Son of (L) Govindo Dey,
Resident of Laban,
Shillong, East Khasi Hills District,
Meghalaya.



7. Shri. Gopal Paul,
Son of Shri. Brajendra Paul,
Resident of Mawbah,
Shillong, East Khasi Hills District,
Meghalaya.
8. Shri. Sayed Tarique Ali,
Son of Sayed Amanullah,
Resident of Mawbah,
Shillong, East Khasi Hills District,
Meghalaya.
9. Shri. Chandra Kuri,
Son of Shri. Nipesh Kuri,
Resident of Mawbah,
Shillong, East Khasi Hills District,
Meghalaya.
10. Shri. Rahul Kumar Shah,
Son of Shri. Pradeep Kr Shah,
Resident of Barapathar,
Shillong, East Khasi Hills District,
Meghalaya.
11. Shri. Sujit Dhar,
Son of (L) Nani Gopal Dhar,
Resident of Upper Jail Road,
Shillong, East Khasi Hills District,
Meghalaya.
12. Shri. Ashikul Hasan,
Son of (L) Saukat Ali,
Resident of Jhalupara,
Shillong, East Khasi Hills District,
Meghalaya.
13. Shri. Sanju Kuri,
Son of (L) R.R.Kuri,
Resident of Mawbah,
Shillong, East Khasi Hills District, Meghalaya.



14. Shri. Sanjeet Kuri,
Son of (L) Hrishikesh Kuri,
Resident of Lower Mawprem,
Shillong, East Khasi Hills District,
Meghalaya.
15. Shri. Manoj Paul,
Son of Shri Babul Paul,
Resident of Forest Colony,
Shillong, East Khasi Hills District,
Meghalaya.
16. Shri. Bimal Kuri,
Son of Shri Bibash Kuri,
Resident of Lumsophoh,
Shillong, East Khasi Hills District,
Meghalaya.
17. Shri. Anuj Paul,
Son of Shri Anil Paul,
Resident of Bishop Falls, Mawprem,
Shillong, East Khasi Hills District,
Meghalaya.
18. Shri. Bishu Ghosh,
Son of Shri Jithendra Ghosh,
Resident of Upper Jail Road,
Shillong, East Khasi Hills District,
Meghalaya.
19. Shri. Rajesh Paul,
Son of Shri Kaushik Paul,
Resident of Laban,
Shillong, East Khasi Hills District,
Meghalaya.
20. Shri. Prajesh Paul,
Son of (L) Chittraranjan Paul,
Resident of Upper Mawprem,
Shillong, East Khasi Hills District,
Meghalaya.



21. Shri. Manoj Deb,
Son of (L) Bijon Deb,
Resident of Upper Mawprem,
Shillong, East Khasi Hills District,
Meghalaya.
22. Shri. Nawal Mahto,
Son of Shri Sundar Mahto,
Resident of Harijan Colony,
Shillong, East Khasi Hills District,
Meghalaya.
23. Shri. Kalam Uddin Barbhuiya,
Son of Shri A. Barbhuiya,
Resident of Lower Jail Road,
Shillong, East Khasi Hills District,
Meghalaya.
24. Shri. Ranu Deb,
Son of Shri. Boroda Deb,
Resident of Umsohsun,
Shillong, East Khasi Hills District,
Meghalaya.
25. Shri. Dulon Modak,
Son of Shri Shushanka Modak,
Resident of Mawbah,
Shillong, East Khasi Hills District,
Meghalaya.
26. Smti. Moni Das,
Daughter of Boroda Deb,
Resident of Mawbah,
Shillong, East Khasi Hills District,
Meghalaya.
27. Shri. Sukdeb Debnath,
Son of Shri. B.K.Debnab,
Resident of Madan iing Syiem Myllem,
East Khasi Hills District.

...Petitioners.



-Vs-

1. The Khasi Hills Autonomous District Council,
Represented by its Secretary,
Executive Committee,
Shillong, East Khasi Hills District,
Meghalaya.
2. Executive Member, I/c. Trade etc.,
Khasi Hills Autonomous District Council, Shillong,
East Khasi Hills District,
Meghalaya.
3. Licensing Officer, I/c. Trade etc.,
Khasi Hills Autonomous District Council, Shillong,
East Khasi Hills District,
Meghalaya.

...Respondents

4. Syiem of Myllem, Myllem Syiemship,
Mawkhar, East Khasi Hills District,
Meghalaya.

...Pro-Forma Respondent

Coram:

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

Appearance:

For the Petitioner/Appellant(s) : Mr. H.L.Shangreiso, Sr. Adv. with
Mr. T.Dkhar, Adv.

For the Respondent(s) : Mr.V.G.K.Kynta, Sr. Adv. with
Ms. C.Nongkhlaw, Adv. for R 1-3.
Mr. L.Khyriem, Adv. with
Mr. W.Jyrwa, Adv. for R 4.



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| i) | Whether approved for reporting in Law journals etc: | Yes/No |
| ii) | Whether approved for publication in press: | Yes/No |
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JUDGMENT AND ORDER (ORAL)

1. These two instant writ petitions being similar in nature are being disposed of by this common judgment and order.
2. The grievances of the writ petitioners are that though they have applied for trading license under the United Khasi Jaintia Hills Autonomous District (Trading by Non-Tribals) Regulation, 1954, the same has not been granted for the reason that they have not obtained NOC from the authority concerned, in this case, the Syiem of Myllem.
3. It has been submitted by Mr. H.L.Shangreiso, learned Sr. counsel assisted by Mr. T.Dkhar, learned counsel for the petitioners, that the writ petitioners were operating their businesses under the landlord who had assured them that necessary permissions and licenses would be facilitated by her to enable them to operate their businesses. He further submits that under this belief, their businesses had continued and the writ petitioners on earlier occasions had thus not applied for trading licenses.
4. On a query from the Court as to whether the District Council exercises jurisdiction over the area in question, as it has been stated at the



bar to be under the Municipality, the learned Sr. counsel for the petitioners had drawn the attention of the Court to a judgment and order dated 10-07-2014, passed in WP(C). No. 211 of 2014, with regard to the same property in question herein where this Court had directed that the petitioner who was the landlady, was at liberty to rent out her shops in her premises to non-tribal tenants, after complying with the requirements under the Khasi Hills District (Trading by Non-Tribals) Regulation, 1954.

5. It is further submitted by the learned Sr. counsel that the writ petitioners had approached the proforma respondent No. 4 for grant of the NOC, but for reasons unknown, the same was not granted. He therefore, prays that the writ petitioners be allowed to apply afresh before the proforma respondent No. 4, and to submit the same to the District Council for grant of trading licenses under the United Khasi Jaintia Hills Autonomous District (Trading by Non-Tribals) Regulation, 1954.

6. Mr. V.G.K.Kynta, learned Sr. counsel assisted by Ms. C.Nongkhlaw, learned counsel for the respondent Nos. 1-3, has submitted that the writ petitioners had all along been operating without a valid license issued by the competent authority i.e., the District Council, and their applications were not processed due to the fact that they had not obtained NOC from the proforma respondent No. 4, who is the traditional head who exercises control over these areas. He however fairly submits that once the



NOCs are obtained, there will be no hindrance to process the applications of the writ petitioners in accordance with law.

7. Mr. L.Khyriem, learned counsel for the respondent No. 4 submits that if the Court orders that fresh applications be made, the respondent No. 4 shall consider the same for grant of NOC expeditiously.

8. On the concern raised by the learned Sr. counsel for the petitioners as to the exorbitant fees being charged for NOC, Mr. L.Khyriem, learned counsel for the respondent No. 4 submits that he has no knowledge about the fees charged, but however, he will intimate the same to the concerned respondents for consideration.

9. Having heard the learned counsel for the parties, it is seen that from the judgment and order dated 10-07-2014, passed in WP(C). No. 211 of 2014, the building in question and the non-tribal shop-keepers operating their businesses are required to obtain proper trading licenses under the United Khasi Jaintia Hills Autonomous District (Trading by Non-Tribals) Regulation, 1954. The order not ever having been appealed, has settled the question with regard to this requirement.

10. As such, shorn of other details, the only directions necessary for disposal of the present writ petitions are as follows:



(i) The writ petitioners in both the writ petitions numbering 28 in numbers, shall file applications for grant of NOC from the proforma respondent No. 4 within six weeks from today.

(ii) The proforma respondent No. 4 (Syiem of Myllem) on receipt of these applications, shall thereafter dispose of the same within a period of eight weeks.

(iii) After disposal of the applications, the writ petitioners will then approach the respondent Nos. 1-3 for processing of their applications. The applications shall then be processed by the respondent No. 1-3 in accordance with law and be disposed of as expeditiously as possible thereafter.

11. With the above directions, the writ petitions accordingly stands disposed of. Needless to add, till the entire process is finally over before the District Council, status quo as on today shall be maintained.

Judge

Meghalaya
12.04.2024
"Samantha PS"