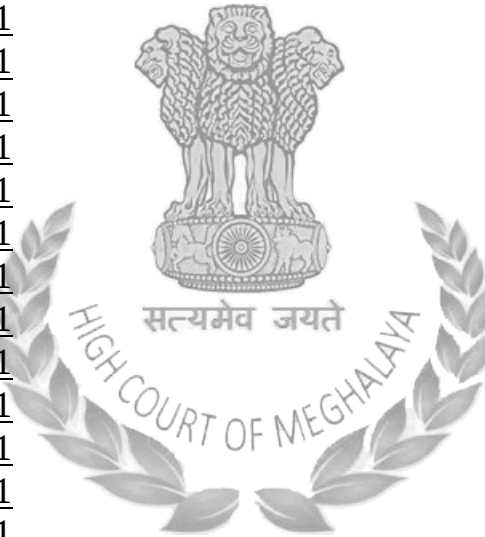




Serial No. 69,16-58
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

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Date of Order: 16.12.2021

Adhir Das	Vs.	State of Meghalaya & Ors.
Nripesh Dey	Vs.	State of Meghalaya & Ors.
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Ashish Debnath	Vs.	State of Meghalaya & Ors.
Rama Kanta Chanda	Vs.	State of Meghalaya & Ors.
Himadri Roy	Vs.	State of Meghalaya & Ors.



Sudhangshu Das	Vs.	State of Meghalaya & Ors.
Amio Das	Vs.	State of Meghalaya & Ors.
Dilip Ranjan Dey	Vs.	State of Meghalaya & Ors.
Sajib Debnath	Vs.	State of Meghalaya & Ors.
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Nripesh Dey	Vs.	State of Meghalaya & Ors.
Hiralal Deb	Vs.	State of Meghalaya & Ors.
Bishnu Paul	Vs.	State of Meghalaya & Ors.
Pradeep Sinha	Vs.	State of Meghalaya & Ors.

Appearance:

For the Petitioner/Appellant(s) : Mr. S. Dey, Adv.

For the Respondent(s) : Mr. N.D. Chullai, AAG with
 Mr. R. Gurung, GA
 Mr. H. Abraham, GA
 Mr. K.P. Bhattacharjee, GA.
 Ms. I. Lyngwa, GA.
 Mr. A.H. Kharwanlang, GA
 Ms. Z.E. Nongkynrih, GA
 Mr. A.H. Hazarika, GA
 Mr. S.Sengupta, Addl. Sr. GA
 Ms. S. Bhattacharjee, GA.(For R 1-3)
 Mr. V.G.K. Kynta, Sr. Adv. with
 Mr. H. Wanshong, Adv.(For R 4)
 Ms. F.L. Nonglait, Adv. (For R 5).



WP(C) No. 435 of 2021 with
WP(C) No. 436 of 2021
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Mintu Debnath	Vs.	State of Meghalaya & Ors.
Milon Kumar Das	Vs.	State of Meghalaya & Ors.
Alok Das	Vs.	State of Meghalaya & Ors.
Atul Das	Vs.	State of Meghalaya & Ors.
Rahul Roy	Vs.	State of Meghalaya & Ors.
Kartik Das	Vs.	State of Meghalaya & Ors.
Sujit Das	Vs.	State of Meghalaya & Ors.
Monju Das	Vs.	State of Meghalaya & Ors.
Jhuntu Das	Vs.	State of Meghalaya & Ors.
Binayak Roy	Vs.	State of Meghalaya & Ors.
Abhinash Deb	Vs.	State of Meghalaya & Ors.
Abhinash Deb	Vs.	State of Meghalaya & Ors.
Bikash Das	Vs.	State of Meghalaya & Ors.
Subroto Das	Vs.	State of Meghalaya & Ors.
Ratanlal Dey	Vs.	State of Meghalaya & Ors.
Shankar Dey	Vs.	State of Meghalaya & Ors.
Sanjib Das	Vs.	State of Meghalaya & Ors.
Sanjay Chakraborty	Vs.	State of Meghalaya & Ors.
Monoranjon Das	Vs.	State of Meghalaya & Ors.

Appearance:

For the Petitioner/Appellant(s) :	Mr. H.R. Nath, Adv.
For the Respondent(s)	Mr. N.D. Chullai, AAG with Mr. R. Gurung, GA Mr. H. Abraham, GA Mr. K.P. Bhattacharjee, GA. Ms. I. Lyngwa, GA. Mr. A.H. Kharwanlang, GA Ms. Z.E. Nongkynrih, GA Mr. A.H. Hazarika, GA Mr. S.Sengupta, Addl. Sr. GA Ms. S. Bhattacharjee, GA.(For R 1-3) Mr. V.G.K. Kynta, Sr. Adv. with Mr. H. Wanshong, Adv.(For R 4) Ms. F.L. Nonglait, Adv. (For R 5).

Coram:

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

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



Oral:

1. This batch of writ petitions have been preferred before this Court with a common prayer, against the non-renewal of trading licenses, which are issued by the Khasi Hills Autonomous District Council under ***The United Khasi-Jaintia Hills District (Trading by Non-Tribals) Regulation, 1954.***

2. The case of the petitioners is that, they are all traders who are the permanent and genuine residents of Majai area, Sohra Syiemship and are engaged in the trade of Limestone, Non-Basmati Rice, and Fruits etc. It appears that due to a law-and-order situation that had occurred on 28.02.2020 in Ichamati which had resulted in the unfortunate loss of life of a local person, the Syiem of Sohra (Respondent No. 5) has not issued the requisite NOCs to enable the respondent District Council to process and renew the trading licenses of the writ petitioners.

3. Mr. S. Dey, learned counsel for the petitioners submits that in spite of repeated attempts and in spite of meetings that had been held under the Chairmanship of the Sub-Divisional Officer (Civil), wherein assurances were made and resolutions passed with regard to the issuance of the NOCs nothing has transpired thereafter, which has compelled the writ petitioners to approach this Court, by way of these writ petitions.

4. Mr. S. Dey, learned counsel for the petitioner has drawn the attention of this Court to the representations and also the minutes of the meeting dated 26th April, 2021, wherein it was resolved together with the State respondents that on



the basis of humanitarian ground, the genuine non-tribal residents of the villages under the jurisdiction of the Syiem of Hima Sohra and Mawlong Sirdarship are not denied their rights and that the process of verifications and issuance of NOCs should be completed by the end of May, 2021. He therefore submits that, it would suffice if the respondents No. 4 and 5 i.e., the Syiem of Sohra Syiemship and the District Council Authorities are directed to process their applications expeditiously as the non-renewal will result in them being deprived of their Right of Livelihood.

5. Mr. H.R. Nath, learned counsel for the petitioners in the other connected writ applications, adopts and supports the submissions which have been advanced by Mr. S. Dey, learned counsel.

6. By order dated 10.12.2021, this Court had noted the submissions of Mr. V.G.K. Kynta, learned senior counsel for respondent No. 4 and Mr. N.D. Chullai, learned AAG for the respondents No. 1-3, wherein they had submitted that it would be in the interest of justice, if the respondent No. 5 who was not represented on that day, be allowed some time to process the applications of the writ petitioners for issuance of NOCs.

7. Today, the respondent No. 5 has been represented by Ms. F.L. Nonglait, Advocate who at the outset, submits that the respondent No. 5 is ready to process the applications for renewal of the Trade Licenses and issue NOCs to those applicants who are eligible. The learned counsel has also produced a letter dated 14th March, 2021, which the respondent No. 5 had sought permission to issue NOCs for renewal of the Trade Licenses from the



respondent No. 4 (District Council) and fairly submits that, the respondent No. 5 will if directed, complete the process within a time frame.

8. Mr. V.G.K. Kynta, learned Senior counsel assisted by Mr. H. Wanshong, learned counsel for the respondent District Council (Respondent No. 4) on the submission of the learned counsel of respondent No. 5, submits that the respondent No. 4 who is the authority for grant or refusal of license shall on the receipt of the applications for which NOCs have been granted by the Syiem of Sohra (respondent No. 5) immediately also process the same in accordance with the *The United Khasi-Jaintia Hills District (Trading by Non-Tribals) Regulation, 1954* and the rules framed thereunder.

9. Mr. N.D. Chullai, learned AAG assisted by Mr. R. Gurung, learned GA appearing on behalf of the respondent No. 1 to 3 also concurs to the submissions made by the learned Senior counsel for the respondent District Council, and the counsel for the respondent No. 5, and submits that the interest of justice will be served if the petitioners applications are disposed of expeditiously.

10. Heard learned counsel for the parties. These applications, it is noted have been filed after the petitioners have exhausted all other efforts as is evidenced by the Annexures appended to the writ petition, which apart, from including the earlier trading license issued by the respondent No. 4 contain numerous representations made before the respondent No. 5 and the other respondents, apart from other State functionaries; minutes of meetings and resolutions that had been arrived at, on various dates with the District Administration and others. It appears that, they have approached this Court as a last resort. The



factors that have led to the non-consideration of their applications for renewal of their trading licenses need not be gone into, in this present proceeding, but it would suffice to say that, for whatever reasons, the rights as enshrined in the Constitution of India cannot be deprived from any citizen. Article 21 of the Constitution ensures the Protection of Life and Personal Liberty, and the Right to Life is a basic human right. Article 21 has since also encompassed the Right to Livelihood.

11. In the case of ***Olga Tellis v. Bombay Municipal Corporation***, which is a celebrated and a path breaking case, a five-judge bench of the Supreme Court has held and implied that ‘right to livelihood’ is borne out of the ‘right to life’, as no person can live, without the means of living, that is, the means of Livelihood. It follows therefore that if the right to livelihood, is not considered and treated as a part of the constitutional right to life, the easiest way of depriving a person of his right to life, would be to deprive him of his means of livelihood.

12. The writ petitioners are traders which is their livelihood and the non-renewal of their trading licenses of the eligible applicants, will no doubt result in the deprivation of their right to livelihood. In this backdrop therefore, it would be expedient for the ends of justice, if this entire batch of writ petitions are disposed of at this stage itself with the directions and as undertaken by the respondents No. 4 and 5, the process for renewal licenses be taken up and completed expeditiously.



13. Accordingly, the respondent No. 5 is directed to complete the process of issuance of NOCs to all the eligible applicants within 3(three) weeks from the date of receipt of this order and the respondent No. 4 thereafter, on receipt of the applications for which NOC has been obtained shall process the same within 4(four) weeks thereafter.

14. Till such process is completed by the respondents No. 4 and 5, the writ petitioners shall not be restrained in any manner from plying their trade due to non-renewal of their trade license.

15. With the aforementioned directions, these writ petitions stand disposed of.

16. No order as to costs.

Judge

Meghalaya
16.12.2021
"D.Thabak-PS"

