



Serial No.06

Supp. List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 386 of 2020 with
WP(C). No. 387 of 2020
WP(C). No. 388 of 2020
WP(C). No. 389 of 2020
WP(C). No. 390 of 2020
WP(C). No. 391 of 2020
WP(C). No. 392 of 2020
WP(C). No. 393 of 2020

Date of Order :09.06.2022

Japplin R. Marak & Anr.	Vs.	State of Meghalaya & Ors.
Gawan R. Marak & Anr.	Vs.	State of Meghalaya & Ors.
Lembarthson K. Sangma & Anr.	Vs.	State of Meghalaya & Ors.
Starson R. Marak & Anr.	Vs.	State of Meghalaya & Ors.
Dingjen D. Sangma & Anr.	Vs.	State of Meghalaya & Ors.
Morning M. Sangma & Anr.	Vs.	State of Meghalaya & Ors.
Mansilla R. Sangma	Vs.	State of Meghalaya & Ors.
Dillith Sangma & Anr.	Vs.	State of Meghalaya & Ors.

Coram:

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

Appearance:

For the Petitioner/Appellant(s) : Mr. L.M.Sangma, Adv.

For the Respondent(s) : Mr. S.Sen, Sr. GA with
Ms. Z.E.Nongkynrih, GA for R 1,2,5,&6
Mr. S.Sengupta, Adv. for R 4.
None for R 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. The issues being similar and identical in this batch of writ petitions are sought to be disposed of by this common order.

2. All the petitioners are stated to be Nokmas of respective A'khings through which the National Highway 51 passes. It is the case of the petitioners that construction of the National Highway in the entire land from Paikan to Tura was done in three phases and the petitioners are concerned with the section from Bajengdoba to Snargre, which they assert that expansion of the National Highway had been done in their land without compensation being assessed or paid for the cultivation and structures that were destroyed and displaced.

3. Though representations have been filed on earlier occasions on 14-11-2016 and 14-08-2019, the same were not in detail, nor did they indicate the exact portions of the land which they claim had been taken over for expansion of the road without due process of law.

4. Mr. L.M.Sangma, learned counsel for the petitioners fairly submits that the materials and documents that were necessary for proper adjudication and assessment were never placed before the concerned authority to enable them to come to any positive findings on the claim of the petitioners. At this stage, he submits that his limited prayer is that the petitioners be permitted to approach the concerned respondents, more particularly, the Deputy



Commissioners, North Garo Hills and West Garo Hills for a fresh examination into the matter.

5. Mr. S.Sen, learned Sr. GA assisted by Ms. Z.E.Nongkynrih, learned GA on behalf of the State respondents has submitted that the petitioners have no title over the said land that they claim which had been taken over, and further as per Clause 4 of the pattas issued by the Garo Hills Autonomous District Council has specifically indicated that any area mentioned in a patta shall not cover an area of 35 ft. from the government or village road.

6. Having heard the submissions of learned counsel for the parties, notwithstanding any other circumstance and the delay, the petitioners in the interest of justice, are permitted to file a fresh representation before the concerned Deputy Commissioners and the same may be accordingly disposed of in accordance with law.

7. Mr. L.M.Sangma, learned counsel for the petitioners prays that he may be allowed one month's time to file and prepare the said representation. Prayer is allowed.

8. Matter accordingly stands closed and disposed of. However, it is expected that the respondents on receipt of the said representation shall dispose of the same as expeditiously as possible.

Judge

Meghalaya
09.06.2022
"Samantha PS"