

THE HIGH COURT OF MEGHALAYA AT SHILLONG.

REVIEW PETITION NO.(SH)6/2013 IN W.A. NO.(SH) 29/2011

1. Union of India,
Represented through the Secretary,
Govt. of India, Ministry of Home,
New Delhi.
2. The Director General,
Central Reserve Police Force (CRPF),
Block No.1, CGO Complex,
New Delhi.
3. Inspector General of Police,
North Eastern Sector, (NES), CRPF,
Shillong, Meghalaya.

:::: Review Petitioners

-Vs-

Shri. Binay Chetri,
S/o Shri.Ram Chandra Chetri,
R/o Bishop Cotton Road,
4th Furlong, Shillong,
East Khasi Hills District,
Meghalaya.

:::: Respondent/writ petitioner

BEFORE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH
THE HON'BLE MR. JUSTICE S.R. SEN

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|----------------------------|---|---------------------|
| For the Review Petitioners | : | Mr. R Deb Nath, CGC |
| For the Respondents | : | Mr. SP Mahanta, Adv |
| Date of hearing | : | 24.06.2013 |
| Date of Judgment & Order | : | 24.06.2013 |

JUDGMENT AND ORDER(ORAL)

(T. Nandakumar Singh, J)

Heard Mr. R Deb Nath, learned counsel appearing for the review petitioners as well as Mr. SP Mahanta, learned counsel for the respondent/writ petitioner.

2. This review petition seeking the review of the order of the Division Bench of the erstwhile Gauhati High Court, Shillong Bench, Shillong dated 29.08.2011 passed in W.A. No.(SH)29/2011 was filed on 03.04.2013.

3. The High Court of Meghalaya came into existence on 23.03.2013. ***Sub-Section (3) of Section 28 I*** of the North-Eastern Areas (Reorganization) Act, 1971, which are inserted vide the Act “North-Eastern Areas (Reorganization) and Other Related Laws (Amendment) Act, 2012, reads as follows:-

“28 I : Transfer of proceedings from common High Court to the High Courts of Meghalaya, Manipur and Tripura:

(3) Notwithstanding anything contained in sub-sections (1) and (2) or in Section 28A, but save as hereinafter provided, the common High Court shall have, and the High Court of Meghalaya, the High Court of Manipur and the High Court of Tripura shall not have, jurisdiction to entertain, hear or dispose of appeals, applications for leave to the Supreme Court, applications for review and other proceedings where any such proceedings seek any relief in respect of any order passed by the Common High Court before the commencement of the North Eastern Areas (Reorganization) and Other Related Laws (Amendment) Act, 2012:

Provided that if after any such proceedings have been entertained by the common High Court, it appears to the Chief Justice of that High Court that they ought to be transferred to the High Court of Meghalaya or the High Court of Manipur or the High Court of Tripura, he shall order that they shall be so transferred, and such proceedings shall thereupon be transferred accordingly.”

4. Mr. R Deb Nath, learned counsel appearing for the review petitioners, keeping in view of Sub-Section (3) of Section 28 I of the North-

Eastern Areas (Reorganization) Act, 1971, prays for allowing him to withdraw this review petition without prejudicing the right of the review petitioners to file fresh review petition before the appropriate Court.

5. The said prayer of Mr. R Deb Nath, learned counsel for the review petitioners is also not objected by Mr. SP Mahanta, learned counsel for the respondent/writ petitioner.

6. In the above factual backdrop, this review petition is allowed to be withdrawn with the liberty to file the fresh review petition before the appropriate Court. Accordingly, the review petition stands disposed of on withdrawal.

JUDGE

JUDGE

LAM