

THE HIGH COURT OF MEGHALAYA AT SHILLONG.

WP(C) NO.(SH)121/2012

Smti Indira. D.Shira
W/o Shri Baldapsingh G.Momin,
Aged about 55 years,
R/o Ku. Simkolgre, Williamnager,
East Garo Hills District, Meghalaya.

...Petitioner

-VERSUS-

1. State of Meghalaya, represented
by Commissioner and Secretary,
Revenue and Disasters Management,
Govt. of Meghalaya, Shillong.
2. Deputy Commissioner, East Garo
Hills District, Williamnagar.
3. Garo Hills Autonomous District Council,
represented by Secretary, Executive Committee, Tura.
4. Chief Executive Member, Garo Hills
Autonomous District Council, Tura.
5. Executive Member, In-charge Land
and Revenue, Garo Hills Autonomous
District Council, Tura.
6. Secretary Williamnagar College,
Williamnagar, East Garo Hills.
7. Commissioner and Secretary
Education Department,
Govt. of Meghalaya, Shillong.
8. Director of Health & Technical Education,
Govt. of Meghalaya, Shillong.

...Respondents

BEFORE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

For the petitioners	- Mr. S.Sen, Adv
	- Mr. H.L.Shangreiso, Adv.
	- Mrs. S.K.Nongrum, Adv
For the respondent	- Mr. ND Chullai, Sr. GA
	- Mr. S. Dey, SC GHADC
Date of hearing	- 25-7-2013
Date of Judgment	- 25-7-2013

JUDGMENT AND ORDER (ORAL)

Heard learned counsels appearing for the parties.

2. From the record, it is clear that inspite of granting sufficient time to file affidavit-in-opposition, the respondents have not filed their affidavit-in-opposition till date.

3. The only prayer sought for in the present writ petition is for a direction to the respondents to conduct a demarcation of the petitioner's land covered by periodic Patta 66, Dag No. 133 in Mouza No. IV-56 measuring about OB-1K-15L in Maida Patta issued by the Garo Hills Autonomous District Council. It is also stated that the said land was purchased by the petitioner from the A.King Nokma in the year 1987 and the name of the petitioner was also duly entered in the land records maintained by the Garo Hills Autonomous District Council. As per the record, the said land of the petitioner is covered by periodic Patta 66, Dag No. 133 in Mouza No. IV-56, the boundaries of the said land of the petitioner are also mentioned in Para 2 to the present writ petition which reads as follows:

2. "That the petitioner is the absolute owner of a plot of land located at Kusimkolgre measuring about OB-1K-15L By Way of Purchase from the A.King Nokma since the year 1987. The name of the Writ Petitioner after purchase of the said land duly entered the land is duly entered in the land records maintained by

the Garo Hills Autonomous District Council. A Maidi Patta has been duly issued by the Garo Hills Autonomous District Council and as per the same the land of the Writ Petitioner is covered by periodic Patta No. 66, Dag No.133 in Mouza No.IV-56. The land of the Writ Petitioner is bounded as follows:

NORTH : J.N.B.Complex

SOUTH : P.W.D. Road

EAST : Land of Smti. Chonchi Sangma

WEST : P.W.D. Road

A Deed of Declaration in this regard has been duly executed on 17-04-2000 by the Writ Petitioner”.

4. It is also stated that the petitioner has been regularly paying all the requisite taxes for the said land to the District Council. The respondent No.6, i.e. the Secretary, Williamnagar College, Williamnagar, East Garo Hills issued a notice dated 16-10-2000 alleging that the petitioner had been unauthorisedly occupying part of the land and constructed a dwelling house within the premises which belongs to the Williamnagar College. The respondent No.6, inspite of proper service of notice of the present writ petition, neither appeared before this Court nor filed affidavit-in-opposition. So far as respondent No. 6 is concerned, he is not denying the allegations made by the petitioner in the present writ petition.

5. It is also stated that the petitioner received a notice dated 23-7-2007 under the Public Premises (Eviction of Unauthorized) Act, 1980 asking her to show-cause as to why the petitioner being the unauthorized occupant should not be evicted from the said land of the petitioner under the Public Premises (Eviction of Unauthorized) Act, 1980.

6. It is also stated that in the first week of May 2012, the respondent No.6 threatened to erect a boundary wall on the basis of the unilateral demarcation of boundaries of the said land. The petitioner on 2-8-2007 filed a representation before the member in-charge of revenue Garo Hills Autonomous District Council requesting him to properly demarcate the boundaries of the said land in her possession. But till date, no steps had been taken up by the authority for proper

demarcation of the said land of the petitioner. Therefore, the only grievance of the petitioner in the present writ petition is that the authority failed to properly demarcate the said land of the petitioner.

7. In the above factual backdrop, this writ petition is disposed of by directing the respondent No. 5, i.e. the Executive Member, In-charge Land and Revenue, Garo Hills Autonomous District Council, Tura to consider the said representation dated 2-8-2007. In other words, the said land of the petitioner should be properly demarcated in the presence of the petitioner and the respondent No.6 within a period of 1(one) month from the date of receipt of the certified copy of this order.

8. The petitioner is directed to approach the respondent No. 5 with a copy of the said representation dated 2-8-2007 and the certified copy of this order for necessary action.

JUDGE

S.Rynjah