

# THE HIGH COURT OF MEGHALAYA

## WP(C)No.331/2013

1. Shri. Amoswell K. Bani,  
Headman of Nongummer Village,  
R/o Nongummer Village,  
B.P.O. Nongtynniaw.
2. Shri. Stalin Thongni,  
Headman of Pyndengumjarain Village,  
R/o Pyndengumjarain Village,  
B.P.O. Nongtynniaw.
3. Shri. Livingstone Thongni,  
Headman of Mawphanrang Village,  
R/o Mawphanrang Village,  
B.P.O. Nongtynniaw.
4. Shri. Emenen Symbei,  
Headman of Mawhiangruda Village,  
R/o Mawhiangruda Village,  
B.P.O. Nongtynniaw.
5. Shri. Franklin M. Kyngdoh,  
Elder member of Nongummer Village,  
R/o Nongummer Village,  
B.P.O. Nongtynniaw.
6. Shri. Bomborlin Symbei,  
Elder member of Mawhiangruda Village,  
R/o Mawhiangruda Village, B.P.O. Nongtynniaw.
7. Shri. Pulikal K. Bani,  
Lyngdoh of Nongummer Village,  
R/o Nongummer Village,  
B.P.O. Nongtynniaw.
8. Shri. Mondaystar Marthong,  
Elder member of Pyndengumjarain Village,  
R/o Pyndengumjarain Village, B.P.O. Nongtynniaw.
9. Shri. Ondersis Marthong,  
Elder member of Pyndengumjarain Village,  
R/o Pyndengumjarain Village, B.P.O. Nongtynniaw.
10. Shri. Khlurphyrnai Marthong,  
Elder member of Mawlaikhap Mawnore Village,  
R/o Mawlaikhap Mawnore Village, B.P.O. Nongtynniaw.
11. Shri. Nesland Mawlot,  
Headman of Nongweiteng Village,  
R/o Nongweiteng Village,  
B.P.O. Nongtynniaw.

12. Shri. Harmlessman Lyngdoh,  
Elder member of Nongummer  
R/o. Nongsummer Village,  
B.P.O. Nongtynniaw.
13. Shri. Phrikstar Marthong,  
Headman of Nongtnger,  
R/o Nongtnger Village,  
B.P.O. Nongtynniaw.
14. Shri. Darjohn Thongni,  
Headman of Umsaw War San Lyngdoh,  
R/o Umsaw Village,  
B.P.O. Nongtynniaw.
15. Shri. Tesliroy Wanniang,  
Elder of Mawhiangrnga,  
R/o. Mawhiangrnga Village,  
B.P.O. Nongtynniaw.
16. Shri. Kanles Marthong,  
Elder of Pyndengumjarain,  
R/o Pyndengumjarain Village,  
B.P.O. Nongtynniaw.
17. Shri. Fairlin Marthong,  
Headman of Mawjai,  
R/o Mawjai Village,  
B.P.O. Nongtynniaw.
18. Shri. Primus Thongni,  
Elder of Umsaw War San Lyngdoh,  
R/o Umsaw Village,  
B.P.O. Nongtynniaw.
19. Shri. Bharatstar Lyngdoh,  
Elder of new Mawjai,  
R/o Mawjai Village,  
B.P.O. Nongtynniaw.
20. Shri. Klostar Nonglang,  
Headman of Mawlaikhap,  
R/o Mawlaikhap MawnoreVillage,  
B.P.O. Nongtynniaw.
21. Shri. Roshem Marthong,  
Elder of Lower Mawjai,  
R/o Lower Mawjai Village,  
B.P.O. Nongtynniaw.
22. Shri. Liphringwell Nongsiang,  
Headman of Nongrynniang,  
R/o Nongrynniang Village,  
B.P.O. Nongrynniang.

23. Shri. Lamphrang Thongni,  
Lyngdoh of Nongpuinskel,  
R/o Nongpuinskel Village,  
B.P.O. Nongtynniaw.
24. Shri. Makarius Thongni,  
Headman of Mawhiangrnga,  
R/o Mawhiangrnga Village,  
B.P.O. Nongtynniaw.
25. Shri. Fulius Myrthong,  
Elder of Mawhiangrnga,  
R/o Mawhiangrnga Village,  
B.P.O. Nongtynniaw.
26. Shri. Yonder Marthong,  
Headman of New Mawjai Village,  
R/o New Mawjai Village,  
B.P.O. Nongtynniaw.
27. Shri. Stikpik Marthong,  
Headman of Nongtynniaw,  
R/o Nongtynniaw Village,  
B.P.O. Nongtynniaw.
28. Shri. Sherful Nongsiang,  
Elder of Nongtynniaw Village,  
R/o Nongtynniaw Village,  
B.P.O. Nongtynniaw. **::::: Petitioners**

-Vs-

1. State of Meghalaya  
Represented by the Chief Secretary,  
Government of Meghalaya, Shillong.
2. The Deputy Commissioner,  
West Khasi Hills District, Nongstoin.
3. The Deputy Commissioner,  
South West Khasi Hills District,  
Mawkyrwat. **::::: Respondents**

**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

|                          |   |                     |
|--------------------------|---|---------------------|
| For the Petitioners      | : | Mr. PN Nongbri, Adv |
| For the Respondents      | : | Ms. NG Shylla, GA   |
| Date of hearing          | : | <b>24.09.2014</b>   |
| Date of Judgment & Order | : | <b>24.09.2014</b>   |

## JUDGMENT AND ORDER (ORAL)

Heard Mr. PN Nongbri, learned counsel for the petitioners and Ms. NG Shylla, learned GA appearing for the respondents.

**2.** This writ petition is concerned with the creation of a new District, South West Khasi Hills District of the State of Meghalaya. This Court is very conscious with the limited jurisdiction of judicial review of policy decision of the Govt. This Court, by invoking writ jurisdiction, is not interfering with the policy decision of the Govt. for that a different policy would have been more logical and also it is fairly settled that the policy decision of the Govt. cannot be interfered only on the ground that suggestion or new policy put by the writ petitioners is better than the policy decision taken by the Govt. However, this Court is concerned only with the decision making process or policy making process.

**3.** The petitioners are the residents of Warsanlyngdoh Area, which was under West Khasi Hills District now included with South West Khasi Hills District. The petitioners had filed a representation dated 11.04.2012 to the Chief Secretary to the Govt. of Meghalaya expressing their difficulties in inclusion of Warsanlyngdoh Area in the new District i.e. South West Khasi Hills District. It is also stated that the said representation is still lying unattended. It is the further case of the petitioners in the present writ petition that in the case of the residents of Saw Symper Area, which was under East Khasi Hills District, they were given public hearing on 27.07.2012 at 10:30 AM at St. Fernando Secondary School, Langsymphut regarding the inclusion of Saw Symper Area in the new District i.e. South West Khasi Hills District. But in the case of the petitioners, they are not afforded with public hearing regarding inclusion of Warsanlyngdoh Area in South West Khasi Hills District.

4. Ms. NG Shylla, learned GA appearing for the respondents contended that the inclusion of Warsanlyngdoh Area in South West Khasi Hills District is rationale and also for the benefits of the residents of the new District i.e. South West Khasi Hills District. This Court is not going to decide the merit and demerit of the policy decision of creating new District i.e. South West Khasi Hills District, but the Court is concerned only with the decision making process. Mr. PN Nongbri, learned counsel for the petitioners strenuously contended that the decision making process for the creation of new District i.e. South West Khasi Hills District is not transparent but discriminatory. In the case of the residents of Saw Symper Area, previously under the East Khasi Hills District, they were given an opportunity of public hearing as to the merit and demerit for inclusion of their area in the new District i.e. South West Khasi Hills District and such opportunity of public hearing was not available to the present writ petitioners, who are the residents of Warsanlyngdoh Area. It is fairly settled that the policy taking procedure should be transparent and fair. As provided to the residents of Saw Symper Area a public hearing, the petitioners should also be afforded public hearing as to the merit and demerit and grievances of the petitioners in inclusion of Warsanlyngdoh Area in South West Khasi Hills District. It is made clear that this Court is not making any comment regarding the merit and demerit of public policy of the Govt. of Meghalaya in creating the new District called South West Khasi Hills District.

5. In the above factual backdrop, this writ petition is disposed of with the limited relief only to the extent that the petitioners who are the residents of Warsanlyngdoh Area, shall be given public hearing in the manner the authority had given public hearing to the residents of Saw Symper Area, which was also under West Khasi Hills District within a period

of four months from the date of receipt of a certified copy of this judgment and order. It is made clear that the Govt. of Meghalaya in its wisdom can take appropriate decision after public hearing.

6. Writ petition is allowed to the extent indicated above.

7. The Registry is directed to furnish a copy of this judgment and order to the learned counsel appearing for the parties.

**JUDGE**

**Lam**