

THE HIGH COURT OF MEGHALAYA

WP(C). No. 44 of 2014

1. Gyan Jyoti Education Foundation, Prakash Tower, 2nd floor, G.S.Road, Christian Basti, Guwahati – 5 represented by its Vice-Chairman Shri Amit Agarwal.
2. Shri Amit Agarwal, Son of Shri Ram Avtar Agarwal, R/o Narayan Nagar, Kumarpara, Guwahati – 9.

...Petitioners

-VERSUS-

1. State of Meghalaya, represented by its Commissioner and Secretary (Revenue), Govt. of Meghalaya, Shillong.
2. The Deputy Commissioner (Revenue), Ri-Bhoi District, Nongpoh, Meghalaya.
3. The Sub-Registrar (Registration), Ri-Bhoi District, Nongpoh, Meghalaya.

....Respondents

Mr. SP Roy, Advocate, Mr. S.Deka, Advocate, present for the petitioners.

Mr.ND Chullai, Sr. Govt. Advocate, assisted by Mr. KP Bhattacharjee, Govt. Advocate, present for the respondents.

Date of Order 27th February, 2014.

ORDER

HON'BLE PRAFULLA. C.PANT, CHIEF JUSTICE

Shri SP Roy, Advocate, present for the petitioners.

Shri ND Chullai, Sr. Govt. Advocate, assisted by Shri KP Bhattacharjee, Govt. Advocate, present for the respondents.

1. Heard.
2. By means of this writ petition, the petitioner has sought direction to the respondent No. 2, Deputy Commissioner (Revenue), Ri-Bhoi District, to

dispose of the application moved by the petitioner for permission to transfer land by Shri John Lmurang (a member of Schedule Tribe of Meghalaya) to the petitioners (a Society registered under Society Registration Act) for setting up of a school for children.

3. Section 3 of the Meghalaya Transfer of Land (Regulation) Act, 1971, provides that no land in Meghalaya shall be transferred by a tribal to a non-tribal except with the previous sanction of the competent authority.
4. Learned counsel for the petitioner drew attention of this court to Section 4 of the Act. Sub-section (3) of said Section provides that every application for sanction shall be disposed of by the competent authority as early as possible and no later than six months.
5. It is pointed out that the application for permission (copy as Annexure-2 to the writ petition) was submitted to the Deputy Commissioner (Revenue), Ri-Bhoi District, on 8th July, 2013. And now more than six months have passed but the petitioner is still waiting decision on the application. It is further submitted on behalf of the petitioner that petitioner is Gyan Jyoti Education Foundation which establishes educational institutions in the backward areas.
6. In the above circumstances, having heard learned counsel for the parties, this petition is summarily disposed of directing the competent authority to decide the application moved by the petitioner within 3(three) months from the date a certified copy of this order is produced before such authority.

(Prafulla C.Pant)
CHIEF JUSTICE
 27th February, 2014