

THE HIGH COURT OF MEGHALAYA

WP(C)No.276/2014

Shri. Bhim Thapa,
S/o R.B.Thapa,
R/o Nongmynsong, Shillong,
East Khasi Hills District, Meghalaya.

:::: Petitioner

-Vs-

1. The State of Meghalaya represented by the
Chief Secretary to the Govt. of Meghalaya,
Shillong.
2. The Khasi Hills Autonomous District Council,
Shillong.
3. Executive Committee,
Khasi Hills Autonomous District Council,
Shillong represented by its Secretary.
4. The Licensing Officer,
Khasi Hills Autonomous District Council,
Shillong

:::: Respondents

**BEFORE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH
CHIEF JUSTICE (ACTING)**

For the Petitioner : Mr. N Mozika, Adv.

For the Respondents : Ms. PS Nongbri, Adv for respt.No.2-4

Date of hearing : **20.08.2014**

Date of Judgment & Order : **20.08.2014**

JUDGMENT AND ORDER (ORAL)

Learned counsel appearing for the parties submit at the Bar that this writ petition could be disposed of at this stage. Accordingly, this writ petition is taken up for disposal at this stage.

2. It is stated that the writ petitioner is a petty shopkeeper eking out his livelihood by running a small grocery shop in Nongmynsong locality of Shillong since the year 1988. In the year 1995, the Dorbar Shnong Nongmynsong, had issued a Certificate dated 21.03.1995, that the petitioner is an inhabitant of the locality for many years. It is also alleged that the writ petitioner has been running from pillar to post for the last many years for Non-Tribal Trading Licence. Ms. P.S. Nongbri, learned counsel appearing for the respondents No.2-4 submits at the Bar that as per record, the petitioner had not filed any application for issuing of Non-Tribal Trading Licence. This disputed question of fact is not going to be decided by this Court in the present writ petition.

3. The Licensing Officer, Khasi Hills Autonomous District Council, Shillong issued the impugned order dated 18.07.2014, directing the petitioner to close down his business and establishment within a period of 30 (thirty) days from the date of receipt of notice, failing which, action under the provision of Section 7 A of the United Khasi-Jaintia Hills (Trading by Non-Tribal) Regulation, 1954 will be taken up.

4. Taking into consideration of the submission of Mr. N.Mozika, learned counsel appearing for the petitioner that the petitioner should have a chance to file a fresh application to the concerned authority for Non-Tribal Trading Licence and also livelihood of the petitioner, this Court is of the considered view that at least a chance should be given to the petitioner to file a fresh application for Non-Tribal Trading Licence under the relevant Rules and Regulations to the concerned authority accompanied by the NOC from the concerned authority.

5. In the above factual backdrop, this writ petition is disposed of by directing the petitioner to approach the concerned authority by filing necessary application under the relevant Rules and Regulations for Non-Tribal Trading Licence within a period of 2 (two) months from today and the authorities on receipt of the said application from the petitioner, shall consider and dispose of the same by passing appropriate order within a period of 2 (two) months. For enabling the petitioner to approach the concerned authority as per the directions above, the impugned notice dated 18.07.2014 is hereby set aside.

6. With the above observations and directions, this writ petition is allowed.

CHIEF JUSTICE (ACTING)

S.Rynjah