

BEFORE
HON'BLE MR. JUSTICE T NANDAKUMAR SINGH

07.10.2015

Heard Mr. R Kar, learned counsel for the applicant/petitioner, Mr. ND Chullai, learned Sr.GA assisted by Mr. B Khyriem, learned GA appearing for the respondent No.1 and Mr. SP Mahanta, learned senior counsel assisted by Ms. S Pde, learned counsel for the respondent No.2.

This Court had carefully perused the impugned cancellation order dated 24.09.2015 wherein and where-under, it is stated that on the basis of the High Court's order and also on the basis of the directions of the High Court to the Chief Executive Officer, Shillong Municipal Board to issue show cause notice to all the shops and business establishments of the State Head Quarter, Shillong after the bandh called by a banned militant outfit of Khasi Region called HNLC, the Deputy Commissioner, West Garo Hills, Tura directed the Chief Executive Officer, Tura Municipal Board to issue show cause notice to all the traders, shop keepers and business establishments. It is also further mentioned in the impugned cancellation order dated 24.09.2015 that a common reply to show cause signed by some tenants under the instigation of the petitioner tried to make a blatant lie that the Tura Super Market was under lock and key on 14th and 15th August, 2015 and that she (petitioner) and tenants came to Tura Super Market standing in front of Tura Super Market for two hours. However, her blatant lie has been hailed by CCTV footage seized from Tura Super Market that Tura Super Market was not kept under lock and key and the present petitioner and tenants did not come to Tura Super Market on 14th and 15th August, 2015.

From the pleadings as well as from the materials available on record, it is clear that the petitioner claimed herself to be the General Secretary of the so called association "Tura Super Market Traders Association". It is the submission of Mr. ND Chullai, learned Sr.GA appearing for the respondent No.1 that the traders of Tura Super Market under the instigation of the petitioner who claimed herself to be the General Secretary of the said association did not open their shops inspite of the order of this Court for banning the bandh and also to open their shop premises or business establishments on the date called for bandh by the banned outfit. Mr. R Kar, learned counsel for the petitioner strenuously contended that the petitioner had been singled out by the respondents. It is his further

submission that the shop premises in Tura Super Market cannot be open as the shop premises was under lock and key. As stated above, this fact is disputed by the State Govt. by heavily relying on the CCTV footage. Passing of interim order in the given case asked for by the petitioner shall certainly be a hurdle in implementing the order of this Court. In these circumstances, this Court is of the considered view that no prima facie material has been made out for passing an interim. Accordingly, the prayer for interim order is rejected. It is made clear to the respondents that in the name of sealing the shop premises there should not be any damage to the property and merchandise of the petitioner in the said shop premises i.e. Rooms No.134 and 139. Sealing of the shop premises of the petitioner shall be subject to the outcome of this writ petition. It is further directed that the respondent authorities shall prepare the inventory of goods belonged to the petitioner lying in the said shop premises and allow the petitioner to take out the same before sealing the said shop premises i.e. Rooms No.134 and 139.

Misc. application stands disposed of.

The Registry is directed to furnish a copy of this order to the learned counsel appearing for the parties in the course of the day.

JUDGE

LAM