THE HIGH COURT OF MEGHALAYA AT SHILLONG

: ORDER:

S A NO. 1 OF 2015

Shri Carlos D Sangma Versus Shri Arwanphai Wanshnong & Another.

Date of Order: :: 29.04.2016

PRESENT

HON'BLE MR. JUSTICE DINESH MAHESHWARI, CHIEF JUSTICE

Shri PK. Borah, for the petitioner.

Shri TT Diengdoh, Sr. Advocate assisted by Shri K Barua, Advocate for the respondents.

BY THE COURT: (ORAL)

This Second Appeal is preferred against the appellate order dated 26.09.2014, as passed by the District Council Court, Shillong in Misc. Civil Appeal No. 6 of 2012 affirming the order dated 10.04.2012 as passed by the Subordinate District Council Court, Shillong in Misc. Case No. 11 of 2007. The miscellaneous case aforesaid was filed in Title Suit No. 13 of 2007, essentially raising the issue concerning the rights of members of Garo/A'chick, Hajong, Koch etc. tribes, as regards their status as members of the Khasi Hills District Council while also asserting that such tribes have the customary right to elect/select their Mulor/Headman in the customary name of Mulor/Murol.

The prayer for interim relief seeking directions against the defendant to return the seized sanads and seals of the Mulors was declined by the Subordinate District Council Court; and the appeal filed by the plaintiff was also dismissed by the District Council Court, Shillong by way of the impugned order dated 26.09.2014. It has been indicated that the appellant of this appeal, Shri Carlos D. Sangma, has been appointed as the representative of Mulor Association and, as such, has been substituted as plaintiff in place of Shri Dulal Marak in the said Title Suit No. 13 of 2007 by an order passed by the Subordinate District Council Court on 09.05.2014.

Though this appeal is posted for admission hearing on the question of maintainability but, on being taken up today, learned

counsel for the appellant has submitted that since after filing of this appeal, a relevant subsequent event has taken place that the Khasi Hills Autonomous District (Appointment and Succession of Chiefs and Headmen) Rules, 2015 have been promulgated and have come into force with effect from 20.08.2015 whereby and whereunder, the appointment of Mulor has also been permitted in relation to any village inhabited by Garo/non-Khasi community. The learned counsel, however, submits that a writ petition filed by the present appellant [No. 297 of 2015] questioning the methodology of appointment of Mulor under the said Rules is pending with the Division Bench of this Court. On being queried if the appellant has sought for amendment of the pleadings and the relief in the pending Title Suit, the learned counsel frankly submitted that until now, the appellant has not moved for any such amendment but the appellant stands advised to take recourse to all the appropriate proceedings in relation to the grievance remaining after promulgation of the aforesaid Rules.

With these submissions, the learned counsel for the appellant submits that the appellant may be permitted to withdraw from this appeal but with liberty to take recourse to appropriate proceedings in accordance with law, including making all relevant and necessary submissions in the pending writ petition as also in the pending Title Suit.

The learned counsel, Mr. TT Diengdoh appearing for the respondents has no objection in the prayer so made, but while keeping all the rights of the respondents reserved in making appropriate submissions in courter/response to the proceedings sought to be adopted by the appellant.

Taking note of the submissions so made by the learned counsel for the parties, and leaving aside the question of maintainability of this appeal, the appellant is permitted to withdraw, and this appeal stands dismissed as withdrawn with liberty to both the parties in terms of their prayers.

The records of the Trial Court be sent back immediately.

CHIEF JUSTICE

Sylvana

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