

**IN THE HIGH COURT OF MEGHALAYA  
AT SHILLONG**

**TR.P(C) No. 3 of 2016**

1. Shri Elwin Rymbai,  
S/o Shri Dwalson Dkhar,  
Chairman, Dorbar Elaka Lakadong,  
R/o Umlatdoh Lakadong,  
Elaka Lakadong,  
East Jaintia Hills District,  
Meghalaya.
  2. Shri. Ishrom Mynthlu,  
S/o Shri Onil Rymbai,  
Secretary, Dorbar Elaka Lakadong,  
R/o Elaka Lakadong,  
East Jaintia Hills District,  
Meghalaya
- ... Petitioners**

**- Versus -**

1. State of Meghalaya  
Represented by the Chief Secretary  
of Meghalaya.
2. Ministry of Environment & Forest,  
Government of Meghalaya, Shillong
3. Jaintia Hills Autonomous District Council, Jowai  
Through the Secretary, JHADC, Jowai,  
West Jaintia Hills District, Meghalaya
4. The Executive Committee,  
JHADC, Jowai,  
Jowai, West Jaintia Hills District, Meghalaya
5. Chief Forest Officer,  
Jaintia Hills Autonomous District Council, Jowai  
Jowai, West Jaintia Hills District, Meghalaya
6. Smti Arkini Pale Suchen,  
D/o (L) Prety Pale Suchen,  
R/o Bataw Village, Elaka Rymbai,  
East Jaintia Hills District,  
Meghalaya.
7. Shri Bidro Pale Suchen,  
S/o (L) Kot Pale Suchen,  
R/o Bataw Village, Elaka Rymbai,  
East Jaintia Hills District,  
Meghalaya.

**... Respondents**

**BEFORE  
HON'BLE MR JUSTICE VED PRAKASH VAISH**

**Present**

Mr. L. Darlong	.....	Counsel for Petitioners
Mr. KP Bhattacharjee	.....	Counsel for Respondents
Date of Order	.....	31.08.2016

**By Hon'ble Mr. Justice V.P. VAISH (ORAL)**

The petitioners have filed the present petition under Rule 1-B of the Rules of Administration of Justice and Police in the Khasi and Jaintia Hills, 1937 and Section-24 read with Section-151 of the Civil Procedure Code for transfer of Title Suit No. 8/2015 and Misc. Case No. 9/2015 pending in the Court of Smti D.V. Lyngdoh, Assistant to Deputy Commissioner, Khliehriat, East Jaintia Hills District.

2. The brief facts of the case as set out in the petition are that the properties of Elaka Lakadong within East Jaintia Hills District, Meghalaya is under the administrative control and jurisdiction of the petitioner. The petitioner is the owner in peaceful possession since time immemorial of large tract of forest land which is managed, looked after and controlled by the Dorbar Elaka Lakadong and portion of the land is used by the villagers for various purposes such as collection of dead trees for firewood, log for construction of houses, shed and also for cultivation, vegetation and plantation by the residents of the area.

3. In the year 2014, Dorbar Elaka Lakadong moved an application before the Chief Forest Officer for registration of a forest reserved known as “Khloo Bam Dolloi” under the provision of United Khasi-Jaintia Hills Autonomous District (Management and Control of Forest) Act, 1958 and United Khasi-Jaintia Hills Autonomous District (Management and Control of Forest) Act, 1960. The Chief Forest Officer with due approval of the Chief Executive Member in-charge of Forest issued a certificate of registration in respect of the Reserve Forest known as “Khloo Bam Dolloi” vide notification dated 10.02.2009 along with a map in favour of the petitioner.

4. In the year 2015, respondent No. 6 moved an application for registration of a private forest land allegedly called “Khlaw Bri Pale”. The petitioner submitted a written objection before the Jaintia Hills Autonomous District Council and despite the objection of the petitioner the Chief Forest Officer, Jowai had registered the forest called “Khlaw Bri Pale” in favour of respondent No. 6 vide notification 14<sup>th</sup> April, 2015.

5. Aggrieved by the action of respondent No. 4, the petitioner filed a suit for declaration bearing Title Suit No. 8/2015 and Misc. Case No. 9/2015 before the Assistant to Deputy Commissioner, Khliehriat praying that the notification dated 14.04.2015 be declared null and void. Vide order dated 08.05.2015 the learned Trial Court passed an ad-interim injunction in favour of the petitioner. The petitioner has alleged that the respondent No. 6 and No. 7 continued to destroy the forest land by randomly felling down trees and burning down the

forest land. The petitioner moved an application under Section-151 of the Civil Procedure Code which is pending before the learned Trial Court.

6. During the course of arguments Mr. L. Darlong, learned counsel appearing on behalf of petitioners submits that he may be permitted to withdraw the present petition as well as Misc. Case with liberty to avail appropriate legal remedy.

7. In view of the facts and circumstances of the case and submissions made by learned counsel for the petitioners, the present petition as well as Misc Case No. MC [TR.P(C)] No. 1 of 2016 are dismissed as withdrawn. However, the petitioners are at liberty to avail appropriate remedy in accordance with law.

**JUDGE**

V. Lyndem