

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

: ORDER :

WA No.54 of 2017

Smti. Sumarmon Nongbri and others Appellants

-Versus-

State of Meghalaya and others Respondents

Date of Order :: 26.09.2017

PRESENT

HON'BLE SHRI JUSTICE DINESH MAHESHWARI, CHIEF JUSTICE
HON'BLE SHRI JUSTICE VED PRAKASH VAISH

Shri HL Shangreiso, for the appellants
Shri KP Bhattacharjee, GA

BY THE COURT: (per Hon'ble the Chief Justice) (ORAL)

By way of this intra-court appeal, the petitioners of WP (C) No.117 of 2016 seek to question the order passed by the learned Single Judge disposing of the writ petition, while leaving it open for the petitioners/appellants to make representation before the Deputy Commissioner and with directions to the Deputy Commissioner to look into their grievances. The learned Single Judge concluded on the writ petition with the following:-

"5. After hearing both the learned counsels, I am of the considered view that the matter is too premature to give any direction. Let the petitioners make a representation before the concerned Deputy Commissioner stating all the facts and learned Deputy Commissioner of the concerned district is hereby directed to look into the grievance or to settle the matter within one month from the date of receipt of the representation.

6. With this observation and direction, the instant writ petition is allowed to that extent and stands disposed of."

It is sought to be contended that the claim of the petitioners/appellants for appropriate proceedings for acquisition of land sought to be taken over and for payment of compensation as per the provisions of the Right to Fair Compensation and Transparency in Land

Acquisition, Rehabilitation and Resettlement Act, 2013 has not been examined by the learned Single Judge though the fact stands admitted that the petitioners' land is being taken over by the respondents, as per the averments in paragraph 7 of the counter affidavit.

Learned GA, on the other hand, seeks to contend that the counter affidavit, read as a whole, makes it clear that all the relevant facts were stated before the Court for consideration including the fundamental fact that the proposal for payment of compensation to the concerned land owners, whose cultivation is likely to be affected due to submergence of the land for a brief period during the year, was formulated by the Public Health Engineering Department and was sent to the Government for consideration and the same was pending consideration.

Taking note of the submissions made and the pleadings of the parties, we find no case for interference at this juncture and we are inclined to endorse the views of the learned Single Judge that the appellants/petitioners ought to make appropriate representation. Such a course appears moreover necessary in view of the several disputed question of facts being involved in the matter. However, in the totality of circumstances, we are of the view that instead of requiring the Deputy Commissioner to take a call on the representation of the appellants/petitioners, appropriate it would be that such a representation is made to the Chief Secretary to the Government of Meghalaya, who may take appropriate decision thereupon expeditiously.

Accordingly and in view of the above, while we decline to interfere and this intra-court appeal is dismissed but subject to the modification of the order impugned that the petitioners/appellants may make appropriate representation to the Chief Secretary to the Government of Meghalaya within four weeks from today. Upon the

petitioners/appellants making such representation, it would be expected of the Chief Secretary to take appropriate decision thereupon expeditiously, preferably within 90 days of receiving of the representation.

With the foregoing observations and requirements, this appeal stands disposed of.

No costs.

JUDGE

CHIEF JUSTICE

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Item No.2