

# THE HIGH COURT OF MEGHALAYA AT SHILLONG.

WP(C) No. 375 of 2014

Smti. Jangme M. Sangma  
W/o (L) Pongdo Marak  
R/o Bangonggree,  
East Garo Hills, Meghalaya.

... **Petitioner**

**- Versus -**

1. Shri Rosin Shira,  
The registered and recognized  
Nokma of Norek A'khing, PO  
and P.S. Sonsak, Village Norek,  
East Garo Hills, Meghalaya.
2. Chief Executive Member,  
Garo Hills Autonomous District  
Council, West Garo Hills  
District, Tura, Meghalaya.
3. Executive Member, Garo Hills  
Autonomous District Council,  
West Garo Hills District, Tura,  
Meghalaya.
4. Garo Hills Autonomous District  
Council, represented by its  
Secretary, West Garo Hills  
District, Tura, Meghalaya.

... **Respondents.**

**BEFORE**

**THE HON'BLE MR JUSTICE SR SEN**

For the Petitioner	:	Mr. H.R. Nath, Adv.
For the Respondent s	:	Mr. H.L. Shangreiso & Mr. S. Dey, Adv.
Date of hearing	:	<b>28.03.2017</b>
Date of Judgment & Order	:	<b>28.03.2017</b>

## JUDGMENT AND ORDER (ORAL)

Heard Mr. H.R. Nath, learned counsel for the petitioner as well as Mr. H.L. Shangreiso, learned counsel for the respondent No. 1 and Mr. S. Dey, learned counsel for the respondents No. 2-4.

2. The brief fact of the petitioner's case in a nutshell is that:

*"The husband of the Petitioner was the registered and recognized Nokma of Bangonggre IV – 56(1) A'Khing, East Garo Hills District, Meghalaya and the details of the entire boundary of the A'Khing land, was issued on 13.03.1930, by the then Deputy Commissioner Garo Hills. The husband of the petitioner had filed a complaint petition before the Executive Member, In-charge Revenue, complaining that one Shri Rosin Shira, Nokma of Norek A'Khing land had encroached upon a large area of your Petitioner's Akhing land. An enquiry regarding the boundary dispute was conducted by a Mauzadar which was done so without verifying the genuine documents of Your Petitioner. That the husband of your petitioner had given an objection in regard to the Mauzadar's report, which was rejected by the Executive Member, In-charge Revenue. Then the husband of your petitioner further approached the Appellate Authority for fresh enquiry regarding the boundary dispute which again was dismissed by the Chief Executive Member vide order dated 03.12.2008. The matter was remanded to the Executive Member Court, in where the Executive Member conducted the spot enquiry by himself and passed an order and judgment on 15.12.2009 in favour of the Opposite Party No. 1. The petitioner again filed an appeal against the said order praying to depute the Mauzadar to conduct spot enquiry which was duly submitted on 14.06.2011, in where it was categorically stated that no concrete proof could be put forward by both the Nokma's with regard to their claim for boundaries. The Chief Executive Member without framing issues directly passed an order and judgment dated 19.09.2011, upholding the judgment dated 15.12.2009 passed by the Executive Member and dismissed the appeal of the Petitioner. Hence this petition."*

3. The learned counsel for the petitioner submits that the petitioner was forced to move this instant writ petition as because the impugned judgment and order dated 19.09.2011 passed by the Chief Executive Member, Garo Hills Autonomous District Council, Tura in GDC-REV/ Appeal No. 7 A.C of 2010 has been passed without framing any issues for recording the evidence. The learned counsel for the petitioner also further submits that, though, local enquiry was ordered and conducted, but even the Mauzadar was not examined nor his report has been exhibited.

4. The learned counsel for the respondents agreed with the submission advanced by the learned counsel for the petitioner. If it is so, the impugned judgment and order dated 19.09.2011 is bad both in law and in fact. Hence, it has no legs to stand. Accordingly, the impugned judgment and order dated 19.09.2011 passed by the Chief Executive Member, Garo Hills Autonomous District Council, Tura in GDC-REV/ Appeal No. 7 A.C of 2010 is hereby set aside and the matter is remand back to the Court of the Chief Executive Member, Garo Hills Autonomous District Council, Tura with following directions that, he should frame the issues and give equal opportunity to both the parties to place their respective evidence.

5. In the meantime, the Secretary, Executive Member, Garo Hills Autonomous District Council, Tura shall look after the suit premises in question, to see, that it should not be alienated in any manner and should not allow anybody to disturb the suit premises or change the characteristics of the property.

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

**JUDGE**

*D. Nary*