

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 349 of 2021

Date of Decision: 29.11.2021

Shri W. Mathew Mawdkhap Vs. State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner(s) : Mr. K. Paul, Sr. Adv. with
Ms. K. Decruse, Adv.

For the Respondent(s) : Mr. B. Bhattacharjee, AAG with
Ms. Z.E. Nongkynrih, GA (For R 1&2)
Mr. V.G.K. Kynta, Sr. Adv. with
Ms. G. Kynta, Adv. (For R 3&4)
Dr. F.L. Nonglait, Adv. (For R 5)

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| i) | Whether approved for reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication in press: | Yes/No |

JUDGMENT AND ORDER (ORAL)

1. The petitioner by way of this petition is assailing the notices dated 22.02.2021 and the letter dated 08.06.2021 issued by the Syiem of Sohra, Sohra Syiemship, (Respondent No. 5) whereby the petitioner has been directed to pay the enhanced musul/tax for plying vehicles on Majai (Bholaganj) Road towards Bangladesh Border, for the purpose of export of limestone.

2. The grievance is that these notices have been issued in violation of Rules 10 and 12 of *The Khasi Hills District (Establishment, Management and Control of Markets) Regulation, 1979*, inasmuch as, the enhanced rate has been levied without the approval of the Executive Committee, Khasi Hills Autonomous District Council, It is prayed the same being illegal, and without authority be interfered with by this Court.

3. Mr. V.G.K. Kynta, learned Senior counsel assisted by Ms. G. Kynta, learned counsel appearing on behalf of the respondent No. 3 & 4 submits that cognizance has been taken of the action of the Respondent No. 5, and has produced a letter dated 26th November, 2021 addressed to the respondent No. 5 (The Syiem of Sohra, Sohra Syiemship) with regard to the instant subject matter. On perusal of the said communication, it reflects that the Executive Committee, Khasi Hills Autonomous District Council has directed the respondent No. 5 to withdraw the order directing the Exporters to pay for Stickers and the enhanced amount as per the impugned purwana/notices immediately.

4. Dr. F.L. Nonglait, learned counsel has entered appearance on behalf of the respondent No. 5 today itself, and at the bar submits that she has just come to learn about this development and fairly submits that in this situation, the respondent No. 5 (The Syiem of Sohra, Sohra Syiemship), will participate in the proceedings which has been initiated by the respondent No. 3 & 4 with regard to the rate of musul/tolls.

5. In this view of the matter, as the respondent No. 3 & 4 who are the competent authorities, vested with the power to regulate trade and tolls under *The Khasi Hills District (Establishment, Management and Control of Markets) Regulation, 1979* are seized of the matter, it would

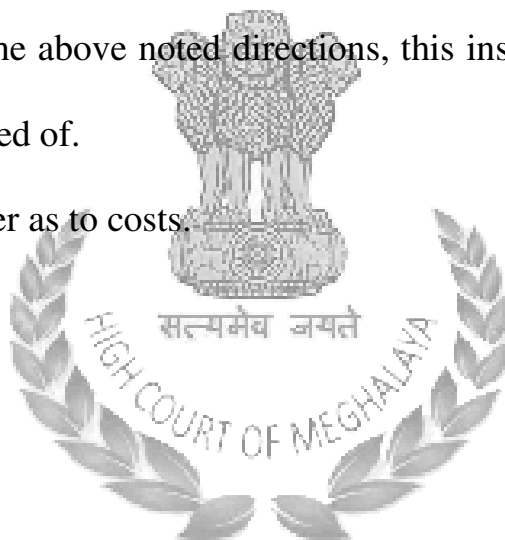
be appropriate at this juncture to close this writ petition leaving the respondent No. 5 to contest the proceedings before the respondent No. 3 & 4.

6. In view of the direction dated 26th November, 2021 passed by the Executive Committee, it is expected that the impugned rates will no longer be charged or collected by the respondent No. 5 for any service or for issuance of Stickers etc. until the matter is finally resolved before the Executive Committee, Khasi Hills Autonomous District Council.

7. A copy of the order dated 26th November, 2021 is made part of the record and marked as 'X'.

8. With the above noted directions, this instant writ petition is accordingly disposed of.

9. No order as to costs.



JUDGE

Meghalaya
29.11.2021
"V. Lyndem-PS"