

**Serial No.02**  
**Supplementary List**

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

MC (WA) No.2/2024 in  
WA No.14/2023

Date of Order: 29.02.2024

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State of Meghalaya & ors	Vs.	Surmamon Nongbri & ors
Surmamon Nongbri & ors	Vs.	State of Meghalaya & ors

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**Coram:**

**Hon'ble Mr. Justice S. Vaidyanathan, Chief Justice**  
**Hon'ble Mr. Justice W. Diengdoh, Judge**

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**Appearance:**

For the Applicants	: Mr. A. Kumar, Advocate General with Mr. N.D. Chullai, AAG Ms. R. Colney, GA Mr. E.R. Chyne, GA
For the Respondents	: Mr. H.L. Shangreiso, Sr.Adv with Mr. P.K. Shati, Adv Mr. T. Dkhar, Adv

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**ORDER:**

**(Made by Hon'ble Chief Justice)**

The present application has been filed by the State to implead the proposed respondents as party respondent Nos.14, 15, 16 and 17 to the writ appeal.

2. Learned Advocate General submitted that the land in question has already been donated and that the area in question has been taken over for the purpose of constructing a dam, pursuant to which, the process of construction of dam has been completed. He also submitted

that on account of construction of the dam, nearly 21 villages are benefitted, as they are getting water supply from the said dam. It is also submitted that after a delay of eight years, the writ petitioners have approached this Court, seeking compensation, which they are otherwise not entitled to. It is his submission that with the aid provided by the Central Government for constructing the dam, the State Government also jointly contributed fund for completion of the dam. It is vehemently argued by the learned Advocate General that it is absolutely necessary to hear all Headmen before taking a decision in this Writ Appeal, as they have donated lands, which belong to the community.

3. Learned Senior Counsel appearing for the respondents in the application strenuously contended that the entire land belongs to individuals and that the Government had initially decided to acquire the lands, but for the reasons best known to them, they have not utilized the land for the purpose for which it was acquired, due to which, lands have got submerged in the flood and therefore, the land owners are entitled to compensation. Learned Senior Counsel further contended that approximately a sum of Rs.7 Crores was initially offered by the Government towards compensation payable to the parties concerned,

which had not ultimately materialized and that the land owners are entitled to higher compensation than the one offered by the Government.

4. At this juncture, we are not inclined to go into the merits of the contentions raised on either side. The only point now to be decided in this application is as to whether there is a requirement in impleading concerned parties so as to ascertain whether the lands belong to the community or individuals. We are of the view that without impleading necessary parties to the lis, no clear picture can be drawn as to the disbursement of compensation, as rightly pointed out by the learned Advocate General and therefore, Headmen are necessary parties to be heard in this Writ Appeal.

5. It is stated across the bar that lands have been donated and therefore, it is imperative for this Court to ascertain about the quantum of compensation, more particularly, in terms of the offer made by the Government. When this Court posed a question to the learned Advocate General regarding payment of compensation of Rs.7 Crores together with interest in order to give quietus to the matter, he replied that after hearing the Headmen and identifying individuals, if any, there can be a salutation in respect of payment of compensation to the actual persons.

He further replied that the payment of compensation cannot be construed that the Government has agreed for the exorbitant compensation, as demanded by the respondents/writ petitioners.

6. Learned counsel for the respondents, in support of his contention that there is no necessity to implead parties, whose presence is not at all required for adjudicating the case, has relied upon the judgments of the Supreme Court in the case of **Narinderjit Singh Sahni v. Union of India** reported in **(2002) 2 SCC 210**, **Chander Kanta Bansal v. Rajinder Singh Anand** reported in **(2008) 5 SCC 117** and **Vidur Impex & Traders Private Limited v. Tosh Apartments Private Limited** reported in **(2012) 8 SCC 384**, out of which, one relates to a Criminal Case and two relate to CPC. It is pertinent to mention here that the powers of the Court cannot be curtailed by mere procedures laid down therein, as the livelihood of the respondents herein / writ petitioners and their entitlement to compensation cannot be deprived on account of non-payment of compensation by the Government, if they are otherwise eligible in accordance with law.

7. In the result, the Application in MC (WA) No.2 of 2024 for impleadment is ordered, as prayed for. The Headmen shown in the

impleading application are *impleaded as party Respondent Nos.14 to 17 only in the representative capacity of Headmen and not in their individual capacity.*

8. Issue Notice to the impleaded respondents returnable by **20.03.2024**. The Appellants shall serve copies of necessary papers / documents on the newly impleaded respondents 14 to 17, in order to enable them to file their objections.

9. Registry is directed to carry out necessary amendment in the main Writ Appeal and post the matter for hearing on **20.03.2024**.

**(W. Diengdoh)**  
**Judge**

**(S. Vaidyanathan)**  
**Chief Justice**

Meghalaya  
29.02.2024  
"*Lam* DR-PS"