



**Serial No. 26**  
**Regular List**

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

WP(C) No. 140 of 2023

Date of Decision: 31.07.2024

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Shri. George M. Lanong  
S/o M. Lanong  
R/o Malki, Nongshiliang,  
Shillong-793001

:::Petitioner

-Vs-

1.The State of Meghalaya  
Through the Secretary to the  
Government of Meghalaya,  
Department of Law,  
Meghalaya Civil Secretariat,  
Shillong, Meghalaya

And

2.Md. Habib  
S/o (L) Md. Jaffrar Kharkongor,  
R/o Mirrullah Building,  
Police Bazaar, G.S. Road,  
Shillong, Meghalaya

:::Respondents

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**Coram:**

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

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**Appearance:**

For the Petitioner/Appellant(s) :	Mr. S. Chakrawarty, Sr. Adv. with Mr. E. Laloo, Adv.
For the Respondent(s) :	Mr. S. Sen, GA (For R 1) Mr. S. Kumar, Adv. Ms. R. Kharkongor, Adv. (For R 2).

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| i) Whether approved for reporting in<br>Law journals etc.: | Yes/No |
| ii) Whether approved for publication<br>in press:          | Yes/No |
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**Oral:**

1. The writ petitioner who is stated to be a tenant under the respondent No. 2, is before this Court with a prayer to extend limitation of 30(thirty) days stipulated by the Meghalaya Urban Areas Rent Control Act 1972, and to allow the petitioner to deposit the total accrued amount of arrears of rent as a one-time deposit, the non-deposit of rents on time thereof, being attributed to the advent of COVID-19 pandemic.

2. It has been submitted by Mr. S. Chakrawarty, learned Senior counsel on behalf of the petitioner that due to a dispute with the landlord/respondent No. 2, the petitioner had been depositing the rent in Court and that w.e.f.



February, 2020, could not deposit the same on account of the onset of COVID-19. It is further submitted that the Supreme Court in cognizance thereof, of the hardships that would be caused to litigants during the pandemic had excluded the period of 15.03.2020 to 28.02.2022, for the purposes of limitation, as made and prescribed under any general or special laws. It has been also contended that the instant writ petition is maintainable, inasmuch as, the case is basically against a state made legislation, wherein the limitation for deposit of rent has been prescribed. He lastly prays that in view of the circumstances, some consideration be given to extend the period of limitation to allow the petitioner to deposit the rents as due.

3. Mr. S. Kumar, learned counsel for the respondent No. 2 in reply has strenuously argued that, the writ petition is not maintainable, inasmuch as, the Rent Court itself has adequate powers under Section 151 CPC, to address the issue in question. He further submits that, the claim that rent has been paid upto March, 2020 is false, as no rent has been paid after 2018, after the suit for eviction had been instituted. The learned counsel submits that though the Supreme Court had allowed relaxation of the period of limitation upto 28.02.2022, the petitioner has approached this Court only in the month of May 2023, to thwart the expiry of the lease agreement which



had expired on 11.06.2023, and as such, cannot claim to be seeking any relief under the orders of the Supreme Court and this Court.

4. Mr. S. Sen, learned GA for the respondent No. 1 submits that the said respondent has no role whatsoever to play in the matter, but however, has referred to an order dated 15.06.2020, passed by this Court in PIL No. 3 of 2020, wherein relaxations was allowed for rent deposits till 30.06.2020, but that the PIL was closed on 02.02.2021, as by efflux of time, the matter had become infructuous.

5. Upon hearing the learned counsel for the parties, and on examining the materials on record, firstly it is noted that the matter concerns a private dispute for which alternate efficacious remedy is available by approaching the Rent Court itself. Secondly, disputed facts have been brought into play without any supporting materials on the claim to payment of rent. Thirdly, it is noted the writ petitioner while seeking to obtain relief by taking shelter of the orders of the Supreme Court, which allowed relaxation upto 28.02.2022, has approached this Court over a year thereafter, in 18.05.2023. Without the necessity of any further discussion, on the face of the facts as presented by the writ petitioner, the matter being purely a private dispute, and in the



presence of disputed facts, the instant writ petition is held to be not maintainable and is accordingly dismissed.

**Judge**