

**Serial No. 29**  
**Regular List**

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

WP(C) No. 398 of 2022

Date of Decision: 31.01.2024

Shri. Khirin Kharbani

Vs. Khasi Hills Autonomous District  
Council & 4 Ors.

**Coram:**

**Hon'ble Mr. Justice H. S. Thangkhiew, Chief Justice (Acting)**

**Appearance:**

For the Petitioner/Appellant(s) : Mr. S. Wahlang, Adv.  
Mr. F.N. Ropmay, Adv.

For the Respondent(s) : Mr. V.G.K. Kynta, Sr. Adv. with  
Ms. C. Nongkhlaw, Adv. (For R 1-3)  
Mr. L. Syiem, Adv. (For R 4)  
Mr. P. Yobin, Adv. (For R 5).

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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 |

**JUDGMENT AND ORDER (ORAL)**

1. The petitioner who is stated to be the Sordar of Laitnongrim village, Nongspung Syiemship is aggrieved with the impugned order

dated 12.07.2022, passed by the respondent No. 2, whereby approval has been granted for creation of Spar Mawsyntiew as a village, bifurcated from the parent village namely Laitnongrim. In the petition, it has been alleged that the impugned order has been passed in violation of The Khasi Hills Autonomous District (Administration of Elaka) Act, 1991, inasmuch as, there was no clear consensus or approval given by the Dorbar of Laitnongrim village for creation of Spar Mawsyntiew as a separate village.

2. Mr. S. Wahlang, learned counsel on behalf of the petitioner in his submissions has taken this Court to the impugned order to show that there was no consensus, and in fact that, there was a dilemma among the villagers who were divided in their opinion as to whether consent should be given for creation of Spar Mawsyntiew as a separate village. Learned counsel has also relied on a report dated 02.06.2022, with regard to the proceedings of the Dorbar Laitnongrim village held on 28.05.2022, to press his case that there was no such approval and the impugned order being passed in total disregard to the provisions contained in the Act, is therefore bad in law and is liable to be set aside.

3. Mr. V.G.K.Kynta, learned Special counsel on behalf of the respondents No. 1-3 in his usual fairness has submitted that if the situation is as portrayed by the petitioner, perhaps the respondent No. 2

can have a relook at the creation of Spar Mawsyntiew as a separate village after due process is followed.

4. Mr. P. Yobin, learned counsel appearing for the respondent No. 5 submits that though the Spar Mawsyntiew has been functioning as a separate village since the date of the impugned order, they are yet to be provided with the facilities such as the Fair Price Shops and other development schemes, and the villagers are suffering at this stage. It has further been submitted by the learned counsel that the separation was necessary, in view of the prevalent ground situation, wherein the villagers residing in Spar Mawsyntiew locality had been deprived of civic amenities by the parent village, under the leadership of the petitioner.

5. Mr. L. Syiem, learned counsel who is present on behalf of the respondent No. 4, submits that as the dispute is between the two villages, he has no submissions to make at this stage.

6. I have heard learned counsel for the parties, and examined the materials on record. Putting the case into perspective, a perusal of the impugned order reflects that there has been no clear consensus, with regard to the permission for creation of Spar Mawsyntiew as a separate village. The findings as recorded in the impugned order which are relevant for the purposes of this case are reproduced herein below:

*“(1) There are 61 households in Spar Mawsyntiew locality and majority of the villagers under this locality have desired to have its own village authority and this desire of the majority of the residents in Spar Mawsyntiew locality was found in the inspection/enquiry by the representatives of the Executive Dorbar of Hima Nongspung and also it is evident from the General Dorbar of Laitnongrim village.*

*(2) The Dorbar Shnong of Laitnongrim held on 28.5.2022 clearly indicated that there is a dilemma among the villagers in Laitnongrim as to whether consent should be granted or not for the bifurcation of Spar Mawsyntiew locality into a full fledged village. From the report it appears that decision was never taken in this Dorbar and it seems like the villagers who attended the Dorbar was divided into half as whether consent should be given or not for creation/bifurcation of new village i.e. Spar Mawsyntiew village. Such is the case opinion and consent of the parent village is not materialized as there is dilemma among the villagers. Moreover, it appears that there is a deadlock relation between the residents settled in Spar Mawsyntiew locality and the other residents in other locality of Laitnongrim village. So also it appears that Laitnongrim village has neglected the welfare of the villagers settle in Spar Mawsyntiew and if village authority is not given to the Spar Mawsyntiew locality it appears that there will be a total failure in the village administration as a whole. Hence the Executive Committee is deem fit to consider the opinion of the Executive Dorbar*

*of Hima Nongspung to approve the creation/bifurcation of Spar Mawsyntiew village.*

*(3) The residents of Spar Mawsyntiew locality are desired to have its own village authority for the general welfare of the villagers, for the development in the locality and for eradication of social evil activities in the village. So also it appears that they are able to run the day today administration of the village.*

*(4) The Dorbar Shnong Laitnongrim village has already given a proper definite boundary to the Spar Mawsyntiew locality when they appoint the head of the locality (Rangbah Dong) and when the Dorbar Shnong of Laitnongrim granted Spar Mawsyntiew a locality and administration, hence it is clear that Spar Mawsyntiew locality has a proper boundary if the same is bifurcated into a full fledged village.*

*(5) The grounds raised by the Sordar and Secretary of Laitnongrim village in the report that village authority cannot be granted to Spar Mawsyntiew since there is only one Village Employment Council and one Fair Price shop in Laitnongrim village which still include Spar Mawsyntiew locality is not admissible as it is a well settled legal principle that once a village authority is approved by the Executive Committee that village will have its own Village Employment Council and its own Fair Price shop to be established and constituted by the competent authority.”*

7. A further perusal of the enquiry report also depicts the same picture i.e. the absence of a decision of consensus by the Dorbar of Laitnongrim village, which was held on 28.05.2022.

8. In this backdrop, therefore the impugned order having been passed without taking into consideration Section 3 of the Act of 1991, and also in the absence of any other material in support thereof does not survive for further scrutiny. However, in view of the fact that, Spar Mawsyntiew village has been existing as a separate village since passing of the impugned order and to avoid any dislocation or disturbance in these villages, for the ends of justice, it is provided as follows:

(1) The respondent No. 4, Syiem of Hima Nongspung shall call for and convene a Dorbar of the residents of Laitnongrim and Spar Mawsyntiew village within a period of 2(two) months from today, to decide on the issue as to whether Spar Mawsyntiew shall continue to exist as a separate village.

(2) The views and opinions expressed therein, and the decision arrived at shall be recorded by the Chief and the Dorbar in the form of a report, and the same shall thereafter within a period of 2(two) weeks, after the said Dorbar, be submitted to the

respondent No. 2, Executive Committee, Khasi Hills Autonomous District Council, Shillong to seek its approval or any further decision thereon.

9. The above noted directions have been passed considering the nature of the case, and the fact that the residents of these two villages as they are existing presently should not be disturbed or any harm caused to their co-existence. Lastly, until final orders are passed by the respondent No. 2, status quo as on today shall be maintained by both the villages, as also to the services and schemes which are to be availed by all the residents of these areas.

10. It is expected on receipt of report the respondent No. 2, shall passed orders thereon expeditiously.

11. With the above noted directions, this writ petition stands closed and disposed of.

**Chief Justice (Acting)**

Meghalaya  
31.01.2024  
"D.Thabab-PS"