



Serial No. 04
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 437 of 2024

Date of Decision: 28.11.2024

1. Shri Khristwan Swett
2. Shri Karnat Swett

..... Petitioner(s)

Versus

1. Khasi Hills Autonomous District Council,
Represented by its Secretary,
Shillong, East Khasi Hills District, Meghalaya
2. The Deputy Chief Executive Committee,
The Khasi Hills Autonomous District Council,
Shillong-793002, East Khasi Hills District, Meghalaya
3. The Executive Committee,
The Khasi Hills Autonomous District Council,
Shillong-793002, East Khasi Hills District, Meghalaya
4. The Returning Officer,
The Khasi Hills Autonomous District Council,
Shillong-793002, East Khasi Hills District, Meghalaya
5. The Acting Wahadadar,
Shella Confederacy, Shella,
East Khasi Hills District, Meghalaya
6. The Headman,
Shella Village,
East Khasi Hills District, Meghalaya
7. The Secretary,
Shella Village,
East Khasi Hills District, Meghalaya

... Respondent(s)



Coram:

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

Appearance:

For the Petitioner(s) : Mr. E. Nongbri, Adv.

For the Respondent(s) : Mr. T.T. Diengdoh, Sr. Adv. with
Mr. R. Kharsyad, Adv. (For R 1-4)

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 petitioners being aggrieved with the deletion of their names from the voters list for the elections to the Wahadadar Shella Confederacy are before this Court praying for directions for setting aside the impugned order dated 20.11.2024, whereby their names stand deleted, and further for preparation of a fresh voters list with their names included therein.

2. Mr. E. Nongbri, learned counsel for the petitioners submits that though as per the earlier voters list, which was notified on 12.06.2024, the names of the petitioners appear at Sl. Nos. 515 and



528 thereof, however on a certain complaint and without the petitioners being put to notice or being heard, their names have been deleted from the said voters list by the impugned order dated 20.11.2024. The learned counsel further submits that the petitioner No. 1 is an interested candidate for contesting the elections to the post of Wahadadar and the last date for filing of nominations is today the 28.11.2024, and the deletion of his name from the voter list he contends, has deprived the writ petitioner the valuable right to vote, as also to contest for the said post. He therefore, prays that the petitioner be allowed to put in his nomination and to contest the said election. It is also submitted that though remedy is provided in Section- 6 (d) (e) (f) of ***The United Khasi-Jaintia Hills Autonomous District (Election of Wahadadar) Act, 1955***, due to the urgent nature of the case and shortage of time, the petitioner has been constrained to seek invocation of writ jurisdiction of this Court under Article, 226.

3. Mr. T.T. Diengdoh, learned Senior counsel assisted by Mr. R. Kharsyad, learned counsel for the respondents Nos. 1 to 4, has taken this Court to the Act, as also to the provisions dealing with the qualifications for the voters and for the post Wahadadarship. The learned Senior counsel submits that the conditions have been laid in



Section 9, with regard to who is eligible to be a voter and in Section 13, as to who is eligible to contest for Wahadadarship. He submits that prima facie as his name had been objected to by the Village Dorbar (Sandi itself), the impugned order was therefore passed based on this input and consideration. However, he fairly submits that as the last date for filing of nominations is fixed for today, perhaps the writ petitioner may be allowed to file his nomination papers, however subject to scrutiny by the Returning Officer, as to his eligibility.

4. This Court has considered the submissions made by the learned counsel for the parties, and also the circumstances which has made the writ petitioners approach this Court at a late stage. The fact that is undisputed is that the petitioners' names had already appeared in the earlier voters list but were deleted without affording the petitioners any reasonable opportunity or hearing. As there is a clear violation of the principles of natural justice in this regard, and considering the urgent nature of the case, it is ordered that the interested petitioner shall be permitted to file his nomination papers, which shall be subject to scrutiny by the Returning Officer, as to its eligibility. Further, on the question of eligibility to vote, the respondent No. 3 as per the mandate of Section-9, shall decide the matter accordingly. The writ petitioners



shall file appropriate applications at the earliest and appear before the Executive Committee, i/c Elaka on 03.12.2024, for consideration of their petitions in accordance with law. As the learned Senior counsel is present in Court, no notice is required to be issued to the Executive Committee, in this regard.

5. As ordered above, the writ petition stands closed and disposed of.

JUDGE

Meghalaya
28.11.2024
"V. Lyndem-PS"