



Serial No.01

Supp. 1 List

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

WP(C). No. 481 of 2024

Date of Decision : 17.12.2024

Smti. Reinu Devi.

...Petitioner

-Versus-

1. Syiem/Acting Syiem  
Office of the Syiem of Hima Mylliem,  
Mawkhar, Shillong-793002.  
Meghalaya.
2. Shri. Govind Upadhaya  
S/o (L) Dhaka Kumari Upadhaya  
R/o Lumsohphoh, Upper Lumparing,  
Near Buddhist Temple, Shillong.  
East Khasi Hills District, Meghalaya  
Pin- 793 004.
3. Shri. Arjun Upadhaya  
S/o (L) Dhaka Kumari Upadhaya  
R/o Lumsohphoh, Upper Lumparing,  
Near Buddhist Temple, Shillong.  
East Khasi Hills District, Meghalaya  
Pin- 793 004.
4. Shri. Lochan Upadhaya  
S/o (L) Dhaka Kumari Upadhaya  
R/o Lumsohphoh, Upper Lumparing,  
Near Buddhist Temple, Shillong.  
East Khasi Hills District, Meghalaya  
Pin- 793 004.
5. Shri. Bhim Upadhaya



S/o (L) Dhaka Kumari Upadhaya  
R/o Lumsohphoh, Upper Lumparing,  
Near Buddhist Temple, Shillong.  
East Khasi Hills District, Meghalaya  
Pin- 793 004.

6. Smti. Suprova Upadhaya  
D/o (L) Om Prakash Upadhaya  
R/o Lumsohphoh, Upper Lumparing,  
Near Buddhist Temple, Shillong.  
East Khasi Hills District, Meghalaya  
Pin- 793 004.

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**Coram:**

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

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**Appearance:**

For the Petitioner/Applicant(s) : Mr. S.Panthi, Adv.  
Mr. S.Chanda, Adv.

For the Respondent(s) : Mr. L.Khyriem, Adv.  
Mr. W.Jyrwa, Adv.

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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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**JUDGMENT AND ORDER (ORAL)**

1. The writ petitioner by way of this instant writ petition has come before this Court with a prayer to not give effect to the impugned partition



order dated 21-08-2024, which has been given in favour of the respondents No. 2 to 5, by the respondent No. 1.

2. The writ petitioner, it is submitted and the respondents No. 2 to 5 are brothers and sisters who are entitled to shares in the property of the deceased mother one (L) Dhaka Kumari Upadhaya. It is submitted that without the writ petitioner's knowledge, the other respondents have obtained the partition order for the property of the late mother and she has been deprived of a share thereof, inspite of a Title Suit which is pending on the same subject matter in issue, being T.S. No. 23 (T) of 2022 pending in the Court of the Assistant to Deputy Commissioner at Shillong, Submissions have also been made that on the basis of the impugned order dated 21-08-2024, the respondent No. 3 is commencing construction activities on the suit land for which the writ petitioner has no alternative, but to file the instant application before this Court.

3. From the side of the respondent No. 1 who is represented today by Mr. L.Khyriem, learned counsel, it is submitted that firstly, the impugned order has been passed way back as on 21-08-2024, and the petitioner being well aware of the same should have approached the Trial Court for appropriate orders considering that the suit involves the question of partition itself. He submits that further no materials have been brought on record to support the contention that construction activities are going on.



He therefore, submits that alternate remedy being available, the writ petition be not entertained.

4. I have heard learned counsel for the parties and also examined the materials as placed by the learned counsel for the petitioner. The writ petitioner has annexed at Annexure-3 to the writ petition a copy of the plaint of T.S. No. 23 (T) of 2022, which is a suit for partition and declaration of right in interest and has submitted that it is at the stage of issues and documents. It is also noted that the respondent No. 1, in the instant writ petition is also arrayed as the proforma respondent No. 6 in the said Title Suit. This being the situation coupled with the fact that no materials have been brought on record to show that there is construction going on in the suit land, and also due to the availability of alternate remedy, the writ petition is not entertained at present. The writ petitioner, however, is at liberty to approach the Civil Court where the suit is pending and a concession is given that on such application being preferred before the Trial Court, the same shall be taken up and orders passed thereon expeditiously.

5. With the above directions, matter stands closed and disposed of.

**Judge**