



Serial No. 03
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 198 of 2025 with
 MC (WPC) No. 96 of 2025

Date of Decision: 30.05.2025

Shri Nehlang Sana

.... **Petitioner(s)**

Versus

1. Jaintia Hills Autonomous District Council, Jowai,
 Meghalaya represented by Secretary to the
 Executive Committee, JHADC

2. The Dolloi, Elaka Jowai
 R/o Lumpyrdi Iongpiah, Near Aitnar Jowai,
 West Jaintia Hills District, Meghalaya

... **Respondent(s)**

Coram:

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

Appearance:

For the Petitioner(s) : Mr. S. Deb, Adv

For the Respondent(s) : Dr. N. Mozika, Sr. Adv. with
 Mr. M.L. Nongpiur, Adv. (For R 1)

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. Heard Mr. S. Deb, learned counsel for the petitioner.
2. Dr. N. Mozika, learned Senior counsel assisted by Mr. M.L. Nongpiur, learned counsel is present and accepts notice on behalf of the respondent No. 1, so no further notice is called for in respect of the said respondent.
3. The grievance of the writ petitioner as projected in the writ petition is that the elections to be held to the post of Waheh Shnong/Headman of Mukhaialong, will not be fair and transparent, if the same is conducted by voice vote or raising of hands.
4. It is submitted by Mr. S. Deb, learned counsel for the petitioner that the elections are scheduled to be held tomorrow i.e. 31.05.2025, and though a representation has been made before the respondent No. 2, who is the Traditional Head/Dolloi, and as no response has been received, he has approached this Court for directions that the said elections be conducted by way of secret ballot.
5. Dr. N. Mozika, learned Senior counsel assisted by Mr. M.L. Nongpiur, learned counsel for the respondent No. 1, has submitted that the apprehension of the writ petitioner is unfounded and at this late stage to suspend the conduct of the election, which is scheduled to held tomorrow



i.e. 31.05.2025 would create an anomalous situation in the Village. He further submits that if the writ petitioner is aggrieved by the conduct of the elections, he has recourse to effective remedy under the Act, itself.

6. Heard learned counsel for the parties.

7. The writ petitioner it appears is an aspiring candidate for the post of Waheh Shnong/Headman of Mukhaialong, East Jaintia Hills District, who is apprehensive that if the elections are not by secret ballot, the same would result in certain people using force, or other methods of undue influence, to win the elections. Considering the prayer made, this Court has examined the Section 23 of *The Jaintia Hills Autonomous District (Establishment of Elaka and Village and Election, Appointment, Powers, Functions and Jurisdiction of Dolloi/Sirdar and Waheh Shnong) Act, 2015*, wherein Section 23 (2) thereof has provided as under :-

“If the election of Waheh Shnong is not unanimous the Dolloi/Sirdar shall have the power to conduct the election either by secret voting or raising of hands”.

8. A perusal of the said Sub-section, reflects that it does not mandate that the elections be held by secret ballot, but it is only in the event that the same is not unanimous, the Dolloi, in this case the respondent No. 2, shall have the power to conduct the elections either by secret voting or raising of hands.



9. In view of the prescription of the Act, and considering that elections are held as per customs, no interference is called by this Court at this stage, more so considering the fact that the elections are scheduled to be held tomorrow i.e. 31.05.2025. However, to ensure free, fair and transparent voting, the respondent No. 1 is directed to depute 2(two) Officers, who shall observe the conduct of the elections, by the Dolloi concerned.

10. Since the subject matter in issue is only with the elections to be held tomorrow, this Court also disposes this writ petition as per the directions given above.

11. A copy of this order be supplied to the learned Senior counsel for the respondent No. 1, for necessary compliance.

12. Misc. Case also stands disposed of.

Chief Justice (Acting)

Meghalaya
30.05.2025
"V. Lyndem-PS"