



**Serial No.11**  
**Regular List**

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

WP(C). No. 344 of 2023

Date of Decision : 27.02.2025

Smti. L.Deborah Paswett

...Petitioner

-Versus-

1. Union of India,  
Represented by its Secretary,  
Ministry of Defense,  
New Delhi.
2. Administration Commandant,  
Station Cell, HQ 101 Area,  
C/o – 99 APO, Shillong,  
East Khasi Hills District, Meghalaya.

3. The Commanding Officer,  
119 TA, Shillong.

...Respondents

4. Deputy Commissioner (Revenue)  
East Khasi Hills District, Shillong.
5. Additional Deputy Commissioner (Revenue)  
East Khasi Hills District, Shillong.
6. Block Development Officer,  
Myllem C&RD , Upper Shillong,  
East Khasi Hills District.
7. Rangbah Shnong, Dorbar Shnong,  
Lawsohtun, Shillong.

...Proforma Respondents




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**Coram:**

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

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**Appearance:**

For the Petitioner/Applicant(s) : Ms. P.Agarwal, LAC

For the Respondent(s) : Dr. N.Mozika, DSGI with  
Ms. M.Myrchiang, Adv. for R 1-3.  
Ms. R.Colney, GA with  
Ms. Z.E.Nongkynrih, GA for R 4-6.

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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. Heard Ms. P.Agarwal, learned Legal Aid Counsel appearing on behalf of the writ petitioner.

2. It is submitted by the learned counsel that the grievance of the writ petitioner is with regard to the stoppage of construction of her house by the respondent No. 2 on the ground that such construction cannot be done within 10 meters of a Defense installation. It is further submitted that the writ petitioner had preferred representations before the respondent No. 2 with regard to the non-grant of a No Objection Certificate for the building



and though a joint inspection was carried out, there was no positive outcome with regard to the No Objection Certificate for building. She therefore, submits that in such a situation, the writ petitioner has been compelled to approach this Court by the present writ application seeking directions as to why the respondents should not be directed to allow the petitioner to construct her house on her plot of land.

3. Dr. N.Mozika, learned DSGI assisted by Ms. M.Myrchiang, learned counsel on behalf of the respondents No. 1, 2 & 3, at the outset has drawn the attention of this Court to the statements made in paragraph 9 and 10 of the affidavit, wherein he submits that the stand of the respondents is that 35% - 40% of the land stated to be the land of the petitioner falls under Defense land, and that a request has been made to the respondent No. 4 (Deputy Commissioner, East Khasi Hills District) to cancel the No Objection Certificate which was granted on 21-02-2023. The learned DSGI has also referred to a letter dated 01-02-2023 which is annexed at Annexure-IX to the affidavit, whereby a request has been made to the respondent No. 4, to conduct a joint inspection and for the writ petitioner to be informed to be present for the same. He therefore submits that however, due to the pendency of the instant writ petition, the matter has not been carried forward.



4. This Court has heard the learned counsel for the parties and also perused the materials as placed. It is not disputed that the writ petitioner is in possession of a plot of land which she states has been purchased legitimately. Further, it is noted that the matter regarding the No Objection Certificate, in view of the pendency of the writ petition has been stalled, inasmuch as, the request for a joint inspection has not been carried out till date.

5. First, as the matter involves questions of fact which cannot be decided by this Court in a writ proceedings, no conclusive orders can be passed with regard to the claim of the writ petitioner that the land falls outside the Defense land, or the stand of the respondent No. 2 that the portion of the land of the writ petitioner is situated within the Defense land. In this backdrop therefore, for the ends of justice, it is directed that as per the request of the respondent No. 2 made to the respondent No. 4, a joint inspection shall be carried out to ascertain the exact situation and location of the said plot of land. The date for the joint inspection shall be fixed by the respondent No. 4, who shall take steps to inform both the parties of such date. It is expected that the same should be completed within a period of six weeks from the date a copy of this order is presented before the respondent No. 4.



6. On these terms, the writ petition stands closed and disposed of.

**Judge**