



Serial No.01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 81 of 2024

Date of Decision: 24.11.2025

Shri. Niandro Syiemiong,
Syiem of Maharam Syiemship,
Mawkyrwat, South West Khasi Hills District,
Meghalaya.

...Petitioner

-Versus-

1. The Khasi Hills Autonomous District Council (KHADC)
Represented by its Secretary (Executive Committee),
Meghalaya, Shillong.
2. The Chief Executive Member,
KHADC, Shillong.
3. The Deputy Secretary,
To the Executive Committee,
KHADC, Shillong.
4. The Executive Member
i/c Elaka Administration
KHADC, Shillong.
5. The One Man Tribunal
KHADC, Shillong.
(Respondent No. 5 has been struck off vide Court's order
dated 02-04-2024).



6. Shri. Kynsaiborlang N. Syiem
Syiem of Hima Bhowal
R/O. Ingyrsa Village
P.O. Tlongpleng
East Khasi Hills District, Meghalaya.

...Respondents

Coram:

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

Appearance:

For the Petitioner/Applicant(s) : Mr. H.L.Shangreiso, Sr. Adv. with
Ms. M.Hajong, Adv.

For the Respondent(s) : Mr. S.Marpan, Adv. for R 1-4.
Mr. K.Paul, Sr. Adv. with
Ms. K.Decruse, Adv.
Mr. B.Snaitang, Adv. for R 6.

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| i) | Whether approved for reporting in
Law journals etc: | Yes/No |
| ii) | Whether approved for publication
in press: | Yes/No |
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JUDGMENT AND ORDER

1. The petitioner who is the Syiem of Maharam, is before this Court assailing orders dated 19-06-2023 and 21-12-2023, whereby it is alleged that the Boundary Dispute case No. 4 of 2022 before the duly constituted One Man Tribunal, was disposed of in favour of the respondent No. 6, in a very hasty manner which was then upheld by the respondents No. 1 & 2 on appeal thereof.



2. The brief background facts are that one Stolly Snaitang had been elected as Myntri by the village dorbar of Tlongpleng village and was issued a Sanad by the petitioner. The said issuance of Sanad was then objected to by the respondent No.6, Syiem of Bhowal and on the appointment of the said Stolly Snaitang being suspended by the respondents No. 1 & 2, the same resulted in W.P.(C) (SH) 110 of 2010 being filed before the erstwhile jurisdictional court i.e. Gauhati High Court. By judgment and order dated 18-08-2010, as it was found that the cause of the dispute was due to the claim of Bhowal Syiemship over Tlongpleng village as being within its jurisdiction, this Court while setting aside the order passed by the respondents No. 1 & 2, liberty was granted to the respondent No.6 to seek redressal as provided under the Khasi Hills Autonomous District (Administration of Elaka) Act, 1991. The respondent No.6 then filed a complaint/petition under Section 4 of the Elaka Act, 1991, before the respondent No. 1, which was registered as Boundary case No. 10 of 2010 and renumbered later as Boundary Dispute case No. 4 of 2022.

3. As the matter was bogged down by delay in listing and disposal, the respondent No. 6 then preferred a revision petition being CRP. No. 18 of 2021 under Article 227 of the Constitution, seeking expeditious disposal of the boundary dispute between the Syiemships of the petitioner and the respondent No. 6. By order dated 18-11-2021, this Court was then pleased



to dispose of the matter with a direction that the Tribunal dispose of the Boundary case within a period of 10(ten) months. The matter then proceeded before the Tribunal and on 15-06-2023, when the matter was heard, the petitioner sought leave from the Tribunal to file additional documents and also to adduce evidence to which the counsel for the respondent No. 6, on 19-06-2023, filed a petition objecting to the said prayer on the ground that ample opportunity had already been granted, and also that the time frame given by this Court had long since lapsed. The Tribunal then, by order dated 19-06-2023, on observing that the case had already been finally heard on 15-06-2023, and that the time for submission of documents and map had been allowed on 29-03-2022, 31-05-2022 upto 23-06-2022, then proceeded to dispose of the matter and came to a finding from the materials on record that Tlongpleng village fell within the jurisdiction of Bhowal Syiemship.

4. An appeal thereafter, was preferred by the petitioner against the order dated 19-06-2023, before the respondent No. 1, which by order dated 21-12-2023, while discussing the grounds set out in the appeal was pleased to uphold the order dated 19-06-2023, passed by the Tribunal. Being aggrieved thereby, the petitioner has filed the instant writ petition.

5. Mr. H.L.Shangreiso, learned Sr. counsel assisted by Ms. M.Hajong, learned counsel on behalf of the petitioner has submitted that the impugned



orders have been passed in violation of the Principles of Natural Justice, inasmuch as, the petitioner was deprived from adducing any evidence in respect of the disputes between the two Elakas i.e. Maharam and Bhowal Syiemships. It is contended that while on the one hand, it was held by the Tribunal that opportunity has been given to the petitioner to adduce evidence, on the other hand, it also held that no evidence was adduced by the petitioner on the issues in dispute. It is submitted that the impugned orders were passed only on the documents submitted by the respondent No. 6, without considering the factual aspects of the matter and neither any inspection or inquiry was conducted by the respondents No. 1 & 2, or by the Tribunal before the impugned orders were passed. It is also argued that the appellate order is incompetent, as it has been passed only by one Executive Member, which is contrary to the settled provisions of law. He lastly submits that the denial by the Tribunal for filing of additional documents and evidence has resulted in injustice being caused apart from the violation of the Principles of Natural Justice and as such, the instant case is a fit case for setting aside of both the impugned orders.

6. Mr. K.Paul, learned Sr. counsel with Ms. K.Decruse, learned counsel on behalf the contesting respondent No. 6, has submitted that the Tribunal has rightly decided the matter and the same though carried up in appeal, the order dated 19-06-2023 was upheld. It is then submitted that there has been



no violation of the Principles of Natural Justice and from the records itself, it will be evident that more than ample opportunity had been provided by the Tribunal to both parties to put forward their case. There being no violation of any statutory right or the Principles of Natural Justice, learned Sr. counsel submits that no cause for interference has been made out.

7. The learned Sr. counsel further submits that though the issue of territorial jurisdiction was reagitated in the year 2009, with the disputed election of Shri. Stolly Snaitang as Myntri of Tlongpleng village, this issue infact is a dispute as old as time, inasmuch as, the matter had been adjudicated as far back as 1926, wherein it had been held after comprehensive investigation and study, that Tlongpleng village falls within Hima Bhowal and is within the administrative jurisdiction of the Syiem of Bhowal and not under Maharam Syiemship. Learned Sr. counsel has also referred to the historical documents including maps to substantiate his case, and submits that due procedure having been followed and in view of the issue having already been conclusively decided many years ago, the writ petition is liable to be dismissed.

8. Ms. S.Marpan, learned counsel appearing for the official respondents No. 1-4 (KHADC), has endorsed the submissions made by the learned Sr. counsel Mr. K.Paul.



9. Heard learned counsel for the parties and also perused the materials and records that have been produced. As observed earlier, the writ petitioner has impugned two orders i.e. order dated 19-06-2023, passed by the One Man Tribunal in Boundary Case No. 4 of 2022, and order dated 21-12-2023, passed by the Executive Committee upholding the decision of the Tribunal. The main ground for assailing the order of the Tribunal as set out by the petitioner is that he was denied opportunity to bring on record additional documents and was not allowed to adduce evidence. In order to consider this contention, this Court has examined the order dated 19-06-2023, and it is seen that the Tribunal had given its due consideration to the prayer made by the writ petitioner while rejecting the same. For the sake of convenience, paras 2 and 3 of the order dated 19-06-2023, is reproduced herein below, which in the opinion of this Court, justifies the decision in not allowing additional documents to be filed. It is also noted that the request for filing was also after the matter had been finally heard on 15-06-2023.

“ The case was finally heard on 15.6.2023. Both the Appellant/Petitioner and Respondent appeared before me through their respective Counsels. The Counsel for the Respondent prayed to allow him to file further additional documents and to adduce evidence. The Counsel for the Appellant/Petitioner prayed for time till the 19th June, 2023 as she has to consult her client whether to allow or not to allow for submission of documents and to adduce evidence as prayed by the Respondent. On the 19th June the Appellant submitted a



petition raising objection to the prayer of the respondent as ample time had been given and that the time frame given by the Hon'ble High Court' order to dispose of the matter has since lapsed. I fully agree with the petitioner as from records it can be seen that time for submission of documents and map had been given vide order dt. 29.3.2022 of this Court. Again vide order dt. 31.5.2022 time was allowed for submission of documentary proof upto 23.6.2022. The Respondent should have taken advantage of the time allowed but he failed to do so therefore I shall dispose of the matter with whatever documents, maps and records available as well as submissions and arguments given by all parties.

I have heard all parties concern and perused the numerous records, documents and maps submitted by both the parties in support of their claims. I have also gone through the written arguments of both the parties.”

10. Further, this Court has examined the order dated 19-06-2023, and it is found that the Tribunal has painstakingly gone through the records relevant to the dispute dating back to the year 1900, which were available and had come to a finding that Tlongpleng village falls within Hima Bhowal as had been finally decided in Political Case No. 10 of 1926, which till date holds good. An extract of the order on this finding is reproduced hereinbelow:

“The dispute is over the village of Tlongpleng, whether it falls under the jurisdiction of Hima Bhowal or Hima Maharam, as both the Hima staked their claim over it and submitted a number of documents as well as map in support of their claims. On perusal of the records, it is observed that both the Hima admitted that the boundary dispute between them was settled by various orders since 1900. The documents where both the parties relied on



are the findings of U Trevore Rodborne and U Dufferine Galyne in 1933 based on the decision of the Panchayat in 1900 which was later confirmed by W.A. Cosgrave, Deputy Commissioner in Pol Case No. 6 of 1924 and by H.M Prichard in Pol Case no. 2 of 1931 and also the decision and order of David Roy in Pol case No. 10 of 1926. Another document which was relied upon is the enquiry and findings of the Federation of the Khasi Traditional Chiefs dt. 8.5.2006.”

11. In the proceedings before the Tribunal therefore, it can be seen that it is not a case of denial of opportunity or that as alleged by the writ petitioner, there has been a violation of the Principles of Natural Justice, and on this ground, the plea of the writ petitioner in this regard fails. However, coming to the order in appeal dated 21-12-2023, though the Executive Committee had heard the matter in detail and upheld the order of the Tribunal, the said order was signed only by a single member of the Executive Committee, which therefore, would render it incompetent and in variance to Rule 31 of the Assam and Meghalaya Autonomous Districts (Constitution of District Councils) Rules, 1951. Rule 31 (1) which provides as follows:

“Transaction of business of the Executive Committee
31. (1) Each member of the Executive Committee shall be entrusted with specific subjects, the allocation of the subjects being made by the Chief Executive Member. The Executive Committee shall be collectively responsible for all executive orders issued in the name of the District Council in accordance with these rules, whether such orders are authorized by an individual member of the Executive Committee on a matter appertaining to his subject or a result of discussion at a



meeting of the Executive Committee, or howsoever otherwise.”

12. The order in appeal therefore, in the absence of any authorisation in accordance with the Rules of 1951, the impugned order dated 21-12-2023, being signed only by a single member is liable to be set aside, and the appeal be remanded for reconsideration by the Executive Committee.

13. Accordingly, in the facts and circumstances of the case, the order dated 21-12-2023, is set aside and remanded back to the Executive Committee for disposal in accordance with law. However, it is further provided that until further orders are passed in the appeal on remand, status quo shall be maintained by the parties.

14. Writ petition is allowed to the extent indicated above and is disposed of.

15. Records to be returned to the counsel for KHADC.

Judge