



Serial No. 26
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 476 of 2024

Date of Decision: 17.04.2026

1. Smti Promodini Marak
2. Shri Sendrick I Sangma
3. Smti Raji Marak
4. Smti Brinitha Marak
5. Smti Sikchi Marak
6. Smti Ballina Marak
7. Shri Delin D Sangma
8. Smti Tredina Marak
9. Shri Limbarth D Sangma
10. Shri Dilipson M. Marak
11. Shri Mojen A. Sangma
12. Smti Sengre R. Marak
13. Smti Nochey R. Marak
14. Smti Dimnera R Marak
15. Smti Jesiline M. Marak
16. Smti Rikchi R. Marak
17. Smti Renuka Ch Marak
18. Smti Sharmila R. Marak
19. Shri Danley M Marak

... Petitioner(s)

Versus

1. The State of Meghalaya represented by
The Chief Secretary to the Govt. of Meghalaya
2. The Secretary to the Govt. of Meghalaya,
Sports and Youth Affairs Department, Shillong
3. The Deputy Commissioner (Revenue)
South West Garo Hills district, Ampati



4. The Chief Engineer,
State Sports Council of Meghalaya, Shillong

5. The Director,
Sports and Youth Affairs, Meghalaya, Shillong

.... Respondent(s)

Coram:

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

Appearance:

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

For the Respondent(s) : Mr. N.D. Chullai, AAG with
Mr. E.R Chyne, GA

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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 (ORAL)

1. The petitioners who are permanent residents of Bolsalgre Village, South West Garo Hills District who claim to be the genuine land owners holding Pattas for their respective plots donated for the construction of the International Football Stadium, are before this Court praying for directions for grant of employment, in lieu of the donation that has been made.



2. Mr. S. Deb, learned counsel for the petitioners has submitted that the writ petitioners 19(nineteen) in number by way of the Gift Deed executed on 20.10.2016, had jointly donated, or gifted the land measuring about 20 acres at Bolsalgre under Banduraja A'king Land in South West Garo Hills for construction of an International Football Stadium. The learned counsel has drawn the attention of this Court to the Gift Deed, which is annexed at Annexure-2 to the writ petition, and submits that the same was witnessed by the Deputy Commissioner and other functionaries of the Government, on the gift being accepted. The reason for approaching this Court it is submitted, is the fact that vide an Office Memorandum dated 30.08.2017, the respondents have put in place a policy for providing employment to persons recommended by land owners, who have donated land, the appointment of which would not be subject to a regular selection process. An application it is submitted was then presented before the respondent No. 3, who by a letter dated 26.07.2018, had forwarded the same to the respondent No. 5 for consideration for appointment of 1(one) eligible member of a family in lieu of the land donated. It is submitted that though the process had been initiated as far back as on 26.07.2018, it was only on 30.01.2024 that further steps were taken by the respondent No. 3, for consideration of the case of the petitioners. He therefore, submits that



the petitioners having acquired a vested right for appointment in lieu of the donation made, deserve consideration for grant of gainful employment by the State respondents.

3. Mr. N.D. Chullai, learned AAG assisted by Mr. E.R. Chyne, learned GA for the respondents in reply has submitted that the concession for grant of employment will not be applicable to the case of the petitioners as the Office Memorandum, which amended the District Selection Committee procedure was notified on 30.08.2017, whereas the land had been donated on 20.10.2016, prior to the amendment. The learned AAG has also submitted that the Office Memorandum dated 30.08.2017, has categorically provided that the said policy was to come into force with immediate effect, and that the donation of land should be by a registered Deed. He therefore, submits that though a policy now is in place, which allows the respondents to grant employment in cases of land donated by private individuals, however in view of the fact that the said Office Memorandum does not cover the case of the petitioners, they are not entitled to the reliefs claimed.

4. On hearing the submissions of the parties to the mind of this Court, the only issue in question in the instant writ petition is the sustainability of the prayer of the writ petitioners for issuance of directions



for affording the reliefs prayed for. As noted and observed earlier, the writ petitioners had made a donation of a sizeable piece of land for public purpose and the fact the same was accepted and acted upon by the respondents is not disputed. The only question is to whether the writ petitioners/land owners or their nominees would be entitled to be afforded any appointment by the operation of the Office Memorandum dated 30.08.2017. A perusal of the Office Memorandum dated 30.08.2017, would show that the State respondents had affected the amendment, whereby in cases where private land owners donated land free of cost for Government purposes, the Government could provide appointment to person recommended by the land owner or owners, in a Grade-IV or Grade-III post.

5. As noted earlier the donation of land was affected by a Gift Deed dated 20.10.2016, before the Office Memorandum came into effect, which would therefore not make it mandatory for the State respondents in the absence of any clause in the Gift Deed to afford appointment. However, it is noted that notwithstanding the absence of any clause in the Gift Deed and the inapplicability of the Office Memorandum dated 30.08.2017, the State respondents had initiated steps in the year 2018 itself, for consideration of the case of the petitioners, which is evident by



letters dated 26.07.2018 and 30.01.2024, annexed at Annexures-4 & 5 to the writ petition. As such, in the considered view of this Court though no mandamus can be issued, but as the process for consideration of the case of the petitioners has since been initiated, the same should be taken to a logical conclusion with due regard to the fact that the petitioner had parted with valuable property for a public purpose.

6. As a prayer has been made at the conclusion of the hearing by the learned counsel for the petitioners that all the writ petitioners be considered over and above the names already under consideration, the prayer is allowed and the writ petitioners are permitted to put in a fresh representation.

7. On such a representation being filed along with a copy of this order, the respondents shall then complete the exercise preferably within a period of 4(four) months therefrom.

8. In the circumstances therefore as discussed above, this writ petition stands closed and is disposed of.

JUDGE

Meghalaya
17.04.2026
"V. Lyndem-PS"