



Serial No.05
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No.3/2025

Date of Order :26.06.2025

Seng Khasi Hima Mawsynram, Mawsynram Syiemship represented by its
President Shri Tyllilang Myrthong. Petitioner

Vs.

1. State of Meghalaya, represented by the Chief Secretary, Government of Meghalaya, Meghalaya Civil Secretariat, Shillong-793001 Meghalaya, Bharat.
2. Ministry of Home Affairs, Government of India, Address North Block, New Delhi-110001, India (represented by the Union Home Secretary).
3. Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, Government of India, North Block, New Delhi-110001 (represented by the Secretary).
4. Principal Secretary, Home (Police/Political) Department, Government of Meghalaya, Shillong-793001.
5. The Commissioner and Secretary to the Hon'ble Chief Minister, Government of Meghalaya, Meghalaya Civil Secretariat, Shillong.
6. The Commissioner and Secretary, Tourism Department, Government of Meghalaya, Meghalaya Civil Secretariat.
7. The Secretary, Revenue and Disaster Management Department, Government of Meghalaya, Shillong-793001.
8. Shri Cyril Diengdoh, IAS, Director of Tourism, office of the Directorate of Tourism, Government of Meghalaya, Nokrek Building, 3rd Secretariat Lower Lachumiere, Shillong, Bharat.
9. The Director General of Police, Government of Meghalaya, Police Headquarters, Secretariat Hills, Shillong-793001, Meghalaya.
10. The Deputy Commissioner-cum-District Magistrate, East Khasi Hills District, Shillong-793001, Meghalaya Bharat.



11. The District Registrar Shillong office of the Deputy Commissioner, East Khasi Hills District, Shillong-793001 Meghalaya Bharat.
 12. The Superintendent of Police, East Khasi Hills District, Shillong-793001, Meghalaya Bharat.
 13. The Chief Engineer, PWD (Roads), Government of Meghalaya, Shillong, Lower Lachumiere, Shillong.
 14. Khasi Hills Autonomous District Council through the Secretary to the Executive Committee, KHADC, Shillong-793002, Meghalaya Bharat.
 15. Shri D.S. Marbaniang, Presiding Officer, Subordinate District Council Court, Khasi Hills Autonomous District Council, Shillong.
 16. Office of the Syiem of Hima Mawsynram Syiemship, Mawsynram village, P.O. Mawsynram-793113, East Khasi Hills District, Meghalaya.
 17. Headman/Rangbah Shnong Dorbar Shnong Mawsynram, Mawsynram Syiemship, P.O. Mawsynram-793113, East Khasi Hills District, Meghalaya.
- Respondents

Coram:

Hon'ble Mr. Justice I.P. Mukerji, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner	: In-person
For the Respondents	: Mr. N.D. Chullai, AAG with Ms. Z.E. Nongkynrih, GA Dr. N. Mozika, DSG with Ms. K. Gurung, Adv Mr. R. Majaw, Adv for R/16 Mr. H.L. Shangreiso, Sr.Adv with Mr. T. Dkhar, Adv for R/17

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| i) | Whether approved for reporting in Law journals etc.: | Yes |
| ii) | Whether approved for publication in press: | Yes |

Note: For proper public information and transparency, any media reporting this judgment is directed to mention the composition of the bench by name of judges, while reporting this judgment/order.



JUDGMENT: (per the Hon’ble, the Chief Justice) (Oral)

In the ordinary course of things, this is not a public interest litigation but if one has a close look at the facts and the surrounding state of affairs, significant public interest seems to be involved.

The subject-matter of dispute is a Mawjymbuin cave in Mawsynram, East Khasi Hills District. There is a stone configuration there. The petitioner and a section of the local Khasi tribe supporting him believe that this is “Shiva Linga” or the deity Shiva of the Hindu religion. The cave has acquired substantial religious importance. There is no dispute that hundreds of devotees visit this cave to offer “puja”.

There was execution and registration of a document dated 14th May, 2015 before the Joint Registrar of Societies, East Khasi Hills District, Shillong, Meghalaya by the Syiem of Mawsynram and Dorbar and Shri Amossingstar Syiem Malngiang, Syiem of Mawsynram, Mawsynram Syiemship allegedly conveying the above property to the Seng Khasi Hima Mawsynram, Mawsynram Syiemship which was established at that place on 25th February, 2012. There is a claim of non-Hindu tribes over the selfsame property.

Now, it appears that the vendors have instituted a suit before the court of the learned Judge, District Council Court, Khasi Hills, Shillong,



inter alia, claiming a declaration that the agreement dated 14th May, 2015 is non est and void and for consequent protective orders with regard to the said religious property. It is alleged that there was no transfer of this property.

The petitioner appearing in person cited the judgment of the Supreme Court in *Civil Appeal No.6673 of 2014 – Satya Pal Anand v. State of M.P. & ors* decided on 26th October, 2016 to contend that the District Council Court had no power to entertain, try and determine the suit in question. He also cited *Khasi Hills Autonomous District Council v. State of Meghalaya & ors* decided by the same Court on 12th February, 2016.

We fail to understand how either of the two cases has any relevance to the case of the petitioner. The first judgment only said that once the registering authority had registered a document, it had no power to cancel it (see paragraph 28 of the judgment).

On the second decision, headmen in the areas in Meghalaya covered by Schedule Six of the Constitution were allowed to continue.

On the other hand, Dr. Mozika, learned Deputy Solicitor General appearing for the Union of India has shown us sub-paragraph (1) of paragraph 4 of Schedule Six to the Constitution of India enacted under



Articles 244 (2) and 275 (1) thereof. He said that only the District Council Court was vested with the power to try suits and cases involving scheduled tribes.

Apart from this, we are told that there is a writ petition [*WP (C) No.275 of 2024*] pending before the learned single judge of this Court. Although, the petitioner is not the same, the issue involved is similar. The learned judge, we are told has formed a Committee to inquire into and resolve the issue involved.

We think it fit and proper that this public interest litigation is referred to the learned single judge in *WP (C) No.275 of 2024*. We order accordingly. Since religious land and religious sentiments are involved, his lordship is requested to make an effort to resolve the matter amicably through mediation/settlement.

The petitioner in this PIL is added as a party in that writ petition [*WP (C) No.275 of 2024*]. The Registry is to effect the necessary amendment in the cause title within one week from date. A copy of the amended cause title may be circulated to all the parties in that litigation.

Alternatively, we suggest that in case of failure of mediated settlement, the learned judge may refer the subject-matter of this PIL, to the District Council Court in the said suit filed by the vendors of the said



property before it. The question whether the District Council Court has jurisdiction or not, may be directed to be tried as a preliminary issue and if the District Council Court comes to the conclusion that it has jurisdiction, it shall continue to hear the matter.

Till the writ petition [*WP (C) No.275 of 2024*] is disposed of, the District Council Court shall only proceed to pass any interim order in the said suit after leave is taken by any interested party from the learned single judge.

With the above observations, this PIL is disposed of.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice

Meghalaya
26.06.2025
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