

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No.11/2024 with
MC (PIL) No.5/2024

Date of Order: 28.01.2025

Raphael Warjri	Vs.	State of Meghalaya & ors
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Coram:

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

Appearance:

For the Petitioner	: Mr. Philemon Nongbri, Adv with Mr. R. Pahsyntiew, Adv
For the Respondents	: Mr. K. Khan, AAG with Mr. E.R. Chyne, GA Mr. P.A. Dohkrut, Adv for R/4&5

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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.

We are most perplexed and shocked at the most daring act committed by the management of the St. Anthony's Lower Primary School, after our order dated 9th December, 2024.

This public interest litigation (PIL) was initiated on the allegation that the school was run in an Assam-type colonial structure of significant architectural and historical value and which was fit to be declared as a heritage building. Nevertheless, the management of the school was proceeding to demolish it.

To rule out any vested interest involved in this litigation, we directed notice of the application to the school authority so as to hear them along with the petitioner and the respondent State on the issue whether the building was heritage and should be preserved, by stalling its demolition and restructuring.

By our order dated 9th December, 2024, we directed the State to make an inspection and conduct an inquiry under the Meghalaya Heritage Act, 2012 and to report to this Court on the heritage value of this building.

As the school was not represented, we thought it fit not to pass any order affecting it, in its absence. Hence, we did not make a formal order restraining further demolition activity. It was expected from the school that when they were noticed, their presence required in Court and the State directed to make an inquiry into the status of the building, they would not make the exercise infructuous by proceeding with the demolition work.

Mr. K. Khan, learned AAG has duly submitted a report before this Court. We find from it that on 16th December, 2024 an inspection and inquiry was duly made under the aforesaid Act. The most important

part of the report is that this school overlooks Don Bosco Square where the statue of Don Bosco is located. It overlooks the façade of the school. Don Bosco Square is a very important and popular public place of Shillong. Further, according to the report the building as such does not classify to be declared as heritage. However, on a combined view of the Square, the statue of Don Bosco and the façade of the school facing it, the recommendation of the Joint Director and Member of the Meghalaya Heritage Sub-Committee Urban Affairs, Meghalaya was that the building should be listed as a heritage building under the said Act. He recommended that considering his view the State should issue necessary directions with regard to “construction” or “alteration” concerning the building.

Therefore, it is clear as daylight that on 16th December, 2024 the building was existing.

Today, it is submitted by learned counsel for the school that the building has been entirely demolished.

Therefore, nothing remains of this PIL and it has been effectively destroyed by the school authority even before its consideration by the Court.

We take a very serious view of this matter. Although there was no formal order restraining demolition of the building, this act prima facie is most daring challenge thrown to the authority of the Court and interference with the administration of justice, amounting to criminal contempt. We take cognizance of it as one on the face of the Court.

Accordingly, before considering any other issue in this matter, we direct a notice under the Contempt of Courts (High Court of Meghalaya) Rules, 2013 to the Don Bosco Technical School Shillong management namely, (i) Sagi Stephen Parappilly (ii) Arcadius Puwein (iii) Edmund Gomes (iv) Dianetius Fernandez and (v) Cyril Tirkey of Don Bosco Technical School Shillong, Shillong-793003, East Khasi Hills District, Meghalaya, returnable on 24th February, 2025 to show cause as to why they should not be punished for criminal contempt of this Court by being presently present at the first sitting of the Court.

To prevent any further contemptuous act or aggravation of contempt and as an interim order, we direct that no further activity with regard to demolition, construction or alteration of the existing building of the said school shall be carried out until further orders of this Court. The local police authorities are to ensure strict compliance of this order.

A copy of this order may be sent by the learned Registrar General of this Court to the local police authorities.

List this PIL once again on 24th February, 2025.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice

Meghalaya
28.01.2025
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