



Serial No.02
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No.15/2025

Date of Order: 10.02.2026

Shri Flaming B. Marak

..... Petitioner

Vs.

1. The State of Meghalaya, District Council Affairs Department, Govt. of Meghalaya, represented by its Secretary, Meghalaya, Shillong.

2. The Garo Hills Autonomous District Council, represented by its Secretary, Executive Committee, West Garo Hills, Tura.

3. The Chief Executive Member, Garo Hills Autonomous District Council, Tura, West Garo Hills District, Meghalaya.

4. The Deputy Chief Executive Member, Garo Hills Autonomous District Council, Tura, West Garo Hills District, Meghalaya.

5. The Secretary to the Govt. of Meghalaya, Law Department, Shillong, Meghalaya. Respondents

Coram:

Hon'ble Mrs. Justice Revati Mohite Dere, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner: Mr. P.T. Sangma, Adv

For the Respondents: Mr. A. Kumar, Advocate General
Mr. N.D. Chullai, AAG
Mr. A.H. Kharwanlang, Addl.Sr.GA
Mr. S. Dey, Adv for R/2-4



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

By the aforesaid petition, the petitioner seeks a writ, order/direction that the State respondents and the Garo Hills Autonomous District Council (GHADC) authorities, ensure that there is separation of the judiciary from the executive in GHADC, Tura, and to direct the respondents to strictly follow the existing recruitment rules in respect of the appointment of judicial officers to the District Council Court, GHADC, Tura.

2. Several orders came to be passed in the aforesaid petition from time to time.

3. This Court in its order dated 10th December, 2025, noted that the PIL raised an important issue with regard to separation of powers i.e., that the Secretary to the Executive Committee, GHADC, Tura and the Judge of District Council Court, is one and the same person; and that the Secretary to the Executive Committee, GHADC was also functioning as the Judge of the District Council



Court, GHADC, Tura. This Court observed that thus the judiciary was not separated by any official notification and that the same was contrary to Rules 10 and 11 of the Garo Hills Autonomous District (Administration of Justice) Rules, 1953. This Court further noted that Shri S.R.R. Marak, Additional Judge, who was designated as the Judge, District Council Court was also designated as the Secretary to the Executive Committee of GHADC, Tura.

4. After observing the aforesaid, this Court directed that Shri S.R.R. Marak, Additional Judge, shall cease to function as the Secretary to the Executive Committee of GHADC, forthwith. Accordingly, the State was requested to approve the appointment of the Additional Judge of the District Council Court and place it before His Excellency the Governor for approval. However, in the interregnum, the Additional Judge, District Council Court, Tura was permitted to continue for the smooth functioning of the District Council Court.



5. Thereafter, on 20th January, 2026, the learned Advocate General placed an affidavit on record. From the said affidavit, it was evident that Shri Peter R. Marak was assigned the charge as the Secretary to the Executive Committee, GHADC, Tura, with immediate effect by the Chief Executive Member, GHADC, Tura vide order dated 11th December, 2025. It was further stated in the affidavit that the said appointment was in accordance with Rule 19(2) of the Assam and Meghalaya (Constitution of District Councils) Rules, 1951. In paragraph 6 of the affidavit, it was further stated that as far as the post of Additional Judge of the District Council Court was concerned, the Secretary to the Executive Committee, GHADC, had informed the Joint Secretary to the Government of Meghalaya vide letter dated 8th January, 2026 that the Executive Committee of the GHADC has resolved to appoint a full-time Judge for the District Council Court and that the GHADC was in the process of appointing an Additional Judge to the District Council Court.



6. Today, Mr. Dey, learned counsel appearing for the GHADC, has tendered an affidavit of Shri P.R. Marak, In-charge Secretary to the Executive Committee, GHADC. The said affidavit is taken on record. Sub-paragraphs III to VII of paragraph 4 of the said affidavit read thus:

“III. That in compliance to the order passed by this Hon’ble Court, Shri S.R.R. Marak, is no longer functioning as the Secretary to the Executive Committee, GHADC.

IV. That Shri P.R. Marak has been appointed as In-Charge Secretary to the Executive Committee, GHADC, with immediate effect.

V. That similarly, Shri R.N. Sangma has been appointed as In-Charge Secretary in the Legislative Department, GHADC, with immediate effect.

VI. That further, it was decided that Shri S.R.R. Marak is to continue functioning as the Additional Judge, District Council Court.

VII. That furthermore, it was decided that a full-time Judge for the District Council Court shall be duly appointed as per due process and in compliance to the provisions of the Sixth Schedule to the Constitution of India and the Garo Hills Autonomous District (Administration of Justice) Rules, 1953.”

7. In view of the aforesaid, nothing survives for further consideration in the aforesaid petition. Needless to state,



that the appointment of a full-time Judge for the District Council Court shall be done, in accordance with law.

8. Petition stands disposed of accordingly.

(W. Diengdoh)
Judge

(Revati Mohite Dere)
Chief Justice

Meghalaya
10.02.2026
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