



**Serial No.01**  
**Daily List**

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

WA No.54/2024

Date of CAV: 01.07.2025

Date of pronouncement: 11.07.2025

Shri Abdul Mannaf

..... Appellant

Vs.

1. The Garo Hills Autonomous District Council represented by its Secretary to the Executive Committee, Garo Hills Autonomous District Council, Tura.

2. The Secretary to the Executive Committee, Garo Hills Autonomous District Council, West Garo Hills, Tura.

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

4. The Executive Member (Land and Revenue), Garo Hills Autonomous District Council, Tura.

5. Shri Mohubul Sheik

..... Respondents

**Coram:**

**Hon'ble Mr. Justice I.P. Mukerji, Chief Justice**

**Hon'ble Mr. Justice W. Diengdoh, Judge**

**Appearance:**

For the Appellant : Mr. A.H. Hazarika, Adv with  
Ms. E. Pajuh, Adv

For the Respondents : Mr. S. Dey, SC GHADC  
Mr. S.K. Hassan, Adv for R/5

i) Whether approved for reporting in Law journals etc.: Yes

ii) Whether approved for publication in press: Yes/No

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.



## **J U D G M E N T**

***(Delivered by the Hon'ble, the Chief Justice)***

This is an appeal from a judgment and order dated 23<sup>rd</sup> August, 2024 passed by a learned single judge, dismissing the writ petition of the appellant.

Initially, there were two issues involved in the appeal. The first was bifurcation of Borshibandha and Goladigli Part-II village by creation of Goladigli Part-II village. The second was the appointment of respondent No.5 as Goanbura of Goladigli Part-II village after this bifurcation.

During continuance of the appeal, it transpired that the term of the respondent No.5 had expired on 30<sup>th</sup> November, 2024 and not renewed by the authorities. Therefore, the first issue became dead.

The appeal proceeded on the issue of bifurcation of the said village only as recorded in our order dated 20<sup>th</sup> May, 2025.

First of all, this writ petition ought not to have been entertained. It is too trivial an issue for the Court to exercise its extraordinary jurisdiction of high prerogative writs.

Some Executive Instructions relating to Land Laws of Assam have been adopted by this State. Under Instruction 160, a village headman or gaonbura is appointed in a village which has 150 or more



families and one for 150 families. These gaonburas are appointed by the Deputy Commissioner. The legal heirs of a deceased gaonbura has a stake. The views of locals are also taken into account. The Deputy Commissioner may also dismiss a gaonbura (Instruction 162). Such power may also be exercised by the Sub-Divisional Officer under Instruction 162A. An appeal against such dismissal by the Sub-Divisional Officer lies to the Deputy Commissioner and from the order of the Deputy Commissioner to the Commissioner (Instructions 162B and 162C). A petition for review lies to the State government (Instruction 162D).

Instructions 160, 162A, 162B, 162C and 162D are set out below:

**“160. Appointment of gaonburas.—** In the Lakhimpur, Sibsagar, Nowong, Darrang and Kamrup districts a staff of village headmen (or gaonburas) is maintained, there being as a general rule, one for every 150 families. It is not necessary that the staff of *gaonburas* should cover the whole of the area of district, or that *gaonburas* should be appointed to petty outlying hamlets isolated in the jungle or for the temporary abodes of *pam* cultivates.

**162(A) Appointment and dismissal of Gaonburas.—** Gaonburas shall be appointment, suspended and dismissed, in case of Sadar Sub-Division by the Deputy Commissioner or the Sub-Divisional Officer (sadar) and in case of outlying Sub-Divisions by the Sub-Divisional Officers.

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In the matter of appointment of a Gaonbura, the following factors shall be taken into consideration:-



(1) The claims of the family of the Gaonbura.

(2) The views of the Mouzadar.

(3) The suitability of the persons for the post.

Gaonburas shall be entitled to the protection provided under Article 311 of the Constitution of India.

**162(B)** An appeal against the order of appointment, suspension and dismissal of a Gaonbura by the Sub-Divisional Officer (sadar) and the Sub-Divisional Officers of the outlying Sub-Divisions shall lie to the Deputy Commissioner within a period of 60 days from the date on which the appellant receives a copy of the order.

**162(C)** A second appeal from the order of the Deputy Commissioner shall lie to the Commissioner of Divisions within a period of 60 (sixty) days from the date of passing of the order by the Deputy Commissioner .....

**162(D)** A petition for review the order of the Commissioner of Divisions shall lie to the State Government within a period of 90 (ninety) days from the date of passing of such order by the Commissioner. ....”

Division of a village into two and appointment of an additional gaonbura is an administrative decision of the State. It is also a policy decision. Unless gross error, unfairness, discrimination, mala fide or reasonableness is proved in such bifurcation, a gaonbura has little or no say in this administrative policy decision. Bifurcation of a village may directly or indirectly have an impact on the functioning of a gaonbura. The administrative instructions say that a gaonbura is protected under Article 311 of the Constitution of India.

Article 311 (2) of the Constitution of India is reproduced herein below:



**“311. Dismissal, removal or reduction in rank of persons employed in civil capacities under the Union or a State.–**

(1) .....

(2) No such person as aforesaid shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.”

An illegal or irregular bifurcation of a village might be interpreted as imputing fault on the existing gaonbura. Bifurcating the village to accommodate another gaonbura may be interpreted as reducing the rank of the existing gaonbura. This would entitle him to an inquiry and proof of charges against him and an opportunity of being heard before such bifurcation is made.

At this stage of the matter, there is no point in referring the appellant/writ petitioner to the lower level of adjudication by the Deputy Commissioner, Commissioner and so on.

Let the writ petition be treated as a petition for review under the Instruction 162D and be tendered before the State government which shall within 90 days of receipt of the papers upon hearing the appellant/writ petitioner and other interested parties and by a reasoned order decide the question of bifurcation of the appellant’s village namely, Borshibandha and Goladigli Part-II.



This appeal is accordingly disposed of by modifying the impugned judgment and order dated 23<sup>rd</sup> August, 2024.

**(W. Diengdoh)**  
**Judge**

**(I.P. Mukerji)**  
**Chief Justice**