

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 15 of 2025

Date of order: 10.12.2025

Flaming B. Marak vs. The State of Meghalaya & ors

Coram:

Hon'ble Mr. Justice Soumen Sen, Chief Justice
Hon'ble Mr. Justice H.S. Thangkhiew, Judge

Appearance:

For the Petitioner : Mr P.T. Sangma, Adv.
For the Respondents : Mr A. Kumar, AG with
 Mr N.D. Chullai, AAG
 Mr E.R. Chyne, GA
 Mr S. Dey, Adv.

The petitioner has raised a very important issue with regard to separation of powers. The Constitution envisaged that there shall be a separation of power between the Legislature, Executive and Judiciary. It appears from the information received by the petitioner from the Public Information Officer, General Administration Department, Garo Hills Autonomous District Council that the Secretary to the Executive Committee, Garo Hills Autonomous District Council, Tura and the Judge of the District Council Court, Garo Hills Autonomous District Council, Tura is one and the same person. The copy of the appointment order of the Secretary to the Executive Committee of the Garo Hills Autonomous District Council, Tura has also been disclosed. The information further

disclosed that the Secretary to the Executive Committee, Garo Hills Autonomous District Council, Tura is also taking charge or acting/functioning as the Judge of the District Council Court, Garo Hills Autonomous District Council, Tura. The information reveals a very alarming fact that the judiciary has not been separated by any official notification. This is also contrary to Rules 10 and 11 of the Garo Hills Autonomous District (Administration of Justice) Rules, 1953.

It appears that Shri S.R.R. Marak, Additional Judge was designated as the Judge, District Council Court with immediate effect from 30.08.2023. However, in addition to the said charge, he was also being designated as the Secretary to the Executive Committee of Garo Hills Autonomous District Council, Tura.

In view of the aforesaid, Shri S.R.R. Marak, Additional Judge shall cease to function as the Secretary to the Executive Committee of Garo Hills Autonomous District Council forthwith. In this peculiar fact and circumstance, we request the State to approve the appointment of the Additional Judge of District Council Court and place it before His Excellency the Governor for approval. However, for the time being he shall continue to function as the Additional Judge, District Council Court, Tura as it is required for smooth functioning of the District Council Court.

A report in the form of an affidavit shall be filed by the State and the District Council indicating the steps taken pursuant to this order by the adjourned date.

This matter shall be listed on 28.01.2026.

(H.S. Thangkhiew)
Judge

(Soumen Sen)
Chief Justice

Meghalaya
10.12.2025
"Sylvana-PS"