



Serial No. 01
Supplementary 1 List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 232 of 2026 with
WP(C) No. 233 of 2026

Reserved Date: 14.07.2026

Pronouncement Date: 11.08.2026

WP(C) No. 232 of 2026

Shri Mansan Manik Syiem
S/o S. Swer,
R/o Laitkor, Nongdaneng,
Hima Myllem, East Khasi Hills District,
Meghalaya 793010.

..... **Petitioner**

- Vs -

1. The Khasi Hills Autonomous District Council,
represented by its Secretary.
2. The Executive Committee,
Khasi Hills Autonomous District Council, Shillong
represented by its Secretary.
3. Secretary to the Executive Committee,
Khasi Hills Autonomous District Council, Shillong.
4. Shri. Alban Fedrick Syiem,
Acting Syiem of Myllem Syiemship,
East Khasi Hills District.

..... **Respondents**

WP(C) No. 233 of 2026

Shri. Ainam Manik Syiem,
S/o. S. Swer,
Resident of Laitkor, Nongdaneng,



Myllem Syiemship, Shillong
East Khasi Hills District.

..... **Petitioner**

- Vs-

1. Khasi Hills Autonomous District Council,
represented by its Secretary.
2. The Executive Committee, Khasi Hills
Autonomous District Council, Shillong
represented by its Secretary.
3. Secretary to the Executive Committee,
Khasi Hills Autonomous District Council, Shillong.
4. Shri. Alban Fredrick Syiem,
Resident of Jaiaw Langsning, Shillong,
East Khasi Hills District, Meghalaya.

..... **Respondents**

Coram:

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

Appearance:

WP(C) No. 232 of 2026

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| For the Petitioner/Appellant(s) | : | Mr. Philemon Nongbri, Adv. with
Mr. E. Lalsangluaia, Adv. |
| For the Respondent(s) | : | Mr. H.L. Shangreiso, SC, KHADC with
Mr. T. Dkhar, Adv. for R 1-3.
Mr. S. Sen, Adv. with
Ms. E. Blah, Adv.
Ms. S. Dhar, Adv. for R 4. |

WP(C) No. 233 of 2026

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| For the Petitioner/Appellant(s) | : | Mr. L. Khyriem, Adv. with
Mr. W. Jyrwa, Adv. |
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For the Respondent(s) : Mr. H.L. Shangreiso, SC, KHADC with
Mr. T. Dkhar, Adv. for R 1-3.
Mr. S. Sen, Adv. with
Ms. E. Blah, Adv.
Ms. S. Dhar, Adv. for R 4.

i)	Whether approved for reporting in Law journals etc.:	Yes/No
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ii)	Whether approved for publication in press:	Yes/No
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COMMON JUDGMENT AND ORDER

1. These two writ petitions arose from a common cause and with identical facts and circumstances, as such, it is deemed proper and convenient to pass a common judgment, which is done so herein.

2. In WP(C) No. 233 of 2026, the petitioner's grievance is that he was functioning as the Syiem of Myllem and discharging his duties, as such, he was served with the impugned Notification No. DC.XXVII/Genl/192/2023-2026/ dated 22.05.2026, enclosed with a Suspension Order dated 22.05.2026 issued by the respondent No. 3, effectively notifying his suspension as the Syiem of Myllem, and further, that the respondent No. 4 herein was placed as Acting Syiem in his place.

3. This, according to the petitioner was an action taken in clear violation of all norms provided under the relevant law prevailing in this regard, that is, the 'Khasi Hills Autonomous District (Appointment and Succession of Syiem,



Deputy Syiem, Electors and Rangbah Shnong of Myllichem Syiemship) Act, 2007’ (hereinafter referred to the Act of 2007).

4. In WP(C) No. 232 of 2026, the petitioner is said to be the Deputy Syiem of Hima Myllichem, being appointed to that position by the issuance of the official Sanad by the Khasi Hills Autonomous District Council (KHADC) on 15.05.2024 and he has been functioning in that post since then.

5. It is also the stand of the petitioner that vide order dated 25.02.2026 (supra) the incumbent Syiem, U Ainam Manik Syiem was placed under suspension by the respondent KHADC and the respondent No. 4 herein, Shri. Alban Fedrick Syiem was placed as the Acting Syiem of Hima Myllichem vide relevant notification No. DC.XXVII/Genl/192/2023-2026 dated 22.05.2026.

6. In accordance with the Act of 2007, in the event, the Syiem is suspended or removed, the Deputy Syiem ought to have been placed as the Acting Syiem. However, the respondent KHADC vide communication dated 22.05.2026 has overlooked the relevant provisions of the law and has instead appointed respondent No. 4 as the Acting Syiem of Hima Myllichem, apparently on the ground that since the petitioner herein is the brother of the suspended Syiem, therefore, the authority concerned has deemed it inappropriate to appoint this petitioner as the Acting Syiem. Being aggrieved by such action, the petitioner has approached this Court with an application assailing the said



impugned action and order.

7. Mr. L. Khyriem, learned counsel for the petitioner in WP(C) No. 233 of 2026 in his argument, has submitted that the petitioner as the duly elected Syiem of Hima Myllem is holding a statutory post, his appointment being in accordance with the provisions of the Act of 2007. Section 7 of the Act stipulates that the Syiem shall hold office during his lifetime. However, within the said provision, is found the enabling power of the Executive Committee to suspend or remove the Syiem from office on receipt of a complaint against his functioning. Further, it is also provided that such complaint must first be brought to the knowledge and notification of the Durbar Hima and that the Syiem must be given the opportunity of being heard.

8. The learned counsel has contended that in the case of the petitioner herein, despite admitting that there is no complaint against him, the KHADC has suspended him forcefully vide the impugned order and notification, without following due procedure and in clear violation of the relevant provisions of the Act of 2007.

9. Apparently, there is no evident of any complaint filed against the petitioner, and even, if there is such complaint, Proviso 1 of Section 7 of the Act of 2007, provides that any complaint against the Syiem should first be brought to the knowledge and notice of the Durbar Hima. This not being done, the



impugned action of suspension of the petitioner cannot be sustained in law, submits the learned counsel.

10. It is also the contention of the learned counsel, that the respondent KHADC being aware of the fact that the petitioner is holding a statutory post and cannot be ousted from office unless his removal or suspension is in accordance with Section 7 of the Act, has attempted to project that there exists a complaint dated 11.02.2026 against the petitioner, but the same was withdrawn vide letter dated 17.04.2026. However, the respondent KHADC has taken cognizance of the same complaint dated 11.02.2026 that was withdrawn and terming such action as one in suo moto, on the basis of its own complaint, has passed the impugned order dated 22.05.2026, putting the petitioner under suspension. This is a direct violation of the settled principle of natural justice which mandates that no person shall be a judge in his own cause. The case of **T.H. Hosamani v. State of Karnataka (2025) SCC Online Kar 22072**, para 3, 7, 11.1 and 11.3 has been cited to support this contention.

11. The second limb of argument advanced by the learned counsel is that the respondent KHADC has acted arbitrarily and illegally and has compounded the issue when in clear violation of the provision of Section 8 of the Act of 2007, wherein, it is provided that in the event, the Syiem is suspended or removed from office, the Deputy Syiem should be appointed as the Acting Syiem, however,



when the Deputy Syiem is very much in office, the respondent KHADC has appointed the respondent No. 4 as the Acting Syiem. The notification No. DC. XXVII/Genl/192/2023-2026/ dated 22.05.2026, in this respect, has revealed that the Deputy Syiem being found to be the younger brother of the suspended Syiem, it was not deemed appropriate to appoint the said Deputy Syiem as the Acting Chief/Syiem.

12. The said notification by which the respondent No. 4 was appointed as the Acting Syiem of Myllem Syiemship bears the signature of only one Executive Member which action is hit by the provision of Section 25 of the Act, which empowers the Executive Committee to authorize two or more of its members to exercise power on its behalf, such act done, shall be deemed to have been done so by the Executive Committee. Having failed to comply with this provision, the appointment of the respondent No. 4 as the Acting Syiem also is not legally tenable, such orders being patently illegal in the face of record and incompetent, done without the sanctity of law. The case of **Dondor Jana & Anr v. Khasi Hills Autonomous District Council (KHADC), 2025 SCC Online Megh. 449**, para 3 and 8 was referred to by the learned counsel to sustained this contention. Also, the case of **Shnat Hima Nongwah Mawtamur v. Khasi Hills Autonomous District Council (KHADC) 2025 SCC Online Megh. 885**, para 5 and 6 was also referred to by the learned counsel and another case that is, **Lamphrang Rumnong and Ors. v. Khasi Hills Autonomous District Council**



(KHADC) 2025 SCC Online Megh. 450, para 2 and 3, was also cited in this regard.

13. Finally, the learned counsel has submitted that the letter of the law not being followed by the KHADC, the impugned order of suspension as well as the impugned notification of appointment of the respondent No. 4 as the Acting Syiem is liable to be set aside and quashed. The learned counsel has reiterated that when law requires a thing to be done in a certain manner, it has to be done in that manner or not at all, to support this contention the following authorities has been cited:

- i) **State of Uttar Pradesh v. Singhara Singh, AIR (1964) SC 358, para 7 and 8;**
- ii) **Ramchandra Keshav Adke v. Govind Joti Chabare, (1976) 1 SCC 559, para 25;**
- iii) **Dhanajaya Reddy v. State of Karnataka, (2001) 4 SCC 9, para 23, 25 and 26; and**
- iv) **J. Jayalalithaa and Ors. v. State of Karnataka, (2014) 2 SCC 401, para 34 and 35.**

14. It is the prayer of the learned counsel that since an illegal and arbitrary act having been perpetrated upon the petitioner dislodging him from his rightful position, the impugned order of suspension dated 22.05.2026 (supra)



may be set aside and quashed and/or to pass such further orders as this Court may deem fit and proper.

15. Mr. Philemon Nongbri, learned counsel for the petitioner in WP(C) No. 232 of 2026 has submitted that the grievance of the petitioner is against the arbitrary, illegal and discriminatory action of the respondent KHADC in denying him his statutory appointment to the post of Acting Syiem of Hima Myllem, in the said position being vacant due to the suspension of the incumbent Syiem and the subsequent appointment of the respondent No. 4 as the Acting Syiem of Hima Myllem.

16. It is the submission of the learned counsel that the petitioner is the duly approved and recognized Deputy Syiem of Hima Myllem issued vide official Sanad dated 15.05.2024. Section 8(1) of the 2007 Act has vested a direct statutory right upon the petitioner to be appointed as the Acting Syiem in the event the Syiem is suspended. However, being denied to be appointed to such post on the ground that he is the younger brother of the suspended Syiem, the same not being a valid legal ground, the fact being that Section 9(1) of the Act of 2007 provides that the Deputy Syiem is nominated by the Syiem from amongst the adult brothers or nephews of the Syiem. Section 8(1) of the Act provides that at any time the office of the Syiem falls vacant, the Executive Committee may by order in writing appoint the Deputy Syiem to act as an Acting



Syiem.

17. By the appointment of the respondent No. 4 as the Acting Syiem, the above-mentioned provision of law has been violated and runs contrary to the well settled principle “*that where a power is given to do a certain thing in a certain way, the thing must be done in that way or not at all*”, which principle has been reiterated in the case of **State of Uttar Pradesh v. Singhara Singh, AIR 1964 SC 358**, para 7 and 8 and also in the case of **Dhanajaya Reddy v. State of Karnataka (2001) 4 SCC 9**, para 23 and 24 and also in a catena of judgments by the Supreme Court.

18. Therefore, the action of the respondent KHADC in appointing the respondent No. 4 as the Acting Syiem having no sanction of law, the same is liable to be quashed, submits the learned counsel.

19. Mr. H.L. Shangreiso, learned Sr. counsel and Special counsel appearing for the respondent Nos. 1-3/KHADC, in his response on behalf of such respondents has submitted that an understanding of the background history of the relationship between the KHADC and the office of the petitioner as Syiem of Myllem may have to be briefly looked into.

20. In this respect, it is maintained that the District Council having constitutional authority to administer the Tribal areas under Article 244(1) read with the Sixth Schedule to the Constitution of India and the Syiem of Myllem



having customary authority to administer both customary and statutory duties under the customary law and various legislative enactments which is purely governed by the principle of employer and employee, that is, master-servant relationship as the Chief (Syiem) is no more than an Administrative Officer appointed by the Executive Committee of the Council under Section 5 of the Act of 2007, therefore, he submits that there is a jural relationship between the council and the Syiem. This proposition has been fortified by the judgment of the Supreme Court in the case of **T. Cajee v. U Jor Manik Siem & Anr., AIR 1961 SC 276**, para 8, 9, 10, 11 and 12.

21. The next contention of the learned Sr. counsel is that, the Executive Committee being the appointing authority as provided under Section 5 of the 2007 Act, therefore, it also has the inherent power to suspend the Syiem pending enquiry, though such provision, is not expressly mentioned under Section 7 of the said Act. However, this power is impliedly inherent, the same derived from the authority under Section 5 read with Section 16 of the General Clauses Act as well as Section 30 of the Meghalaya Interpretation and General Clauses Act, 1972. The case of **Balvantray Ratilal Patel v. State of Maharashtra, AIR 1968 SC 800**, para 3 and 4 as well as the case of **Probodh Kumar Bhomick v. University of Calcutta, 1994 SCC Online Cal 239**, para 24, 25, 49, 50 and 53 has been referred to by the learned Sr. counsel to project this contention.



22. It is the further submission of the learned Sr. counsel that though Section 26 of the Act of 2007 has annulled the provisions contained in the “*United Khasi Jaintia Hills Autonomous District, (Appointment and Succession of Chiefs and Headman) Act, 1959*”, however, the said general law of 1959 will remain applicable and supplementary to the Act of 2007 with regard to the process of suspension pending enquiry. The case of **KHADC v. Charlestone Sohtun and Ors (2002) 8 Supreme 576**, para 4 as well as the case of **Soutish Youroin v. State of Meghalaya and Ors** reported in (2012) 4 GLR 444, para 6, 8 and 9 and the case of **Salwan Singh Sandhu v. State of Delhi and Ors., 2001 SCC Online Del 442**, para 9 has been cited in this regard.

23. On the objection to the alleged action of the relevant authority/KHADC to initiate suo-moto disciplinary proceedings against the petitioner/Syiem, the learned Sr. counsel has reiterated that, this is an exercise of inherent power provided under Section 5 read with Section 7 of the 2007 Act, and as such, such power cannot be controlled or hindered by the word “*Complaint*” mentioned in Section 7. When the authority is aware of the misconduct or wrong doing of the Syiem, it is not necessary that a formal complaint has to be received from a third party. Power to initiate suo-moto enquiry proceedings has also been recognized by the Supreme Court in the case of **Raymond Woolen Mills Limited v. M.R.T.P. Commission and Ors.,** reported in (1993) 2 SCC 550, para 2 and 26.



24. The fact that the petitioner herein, is aware of the Executive Committee proceedings against him, since several demand notices and show cause notices have been issued against him, and also that there was a hearing on a suo-moto proceeding against him, which he had willingly participated by submitting show cause reply etc., as regard the complaint which was eventually withdrawn on 17.04.2026 (supra), therefore, at this point of time, the learned Sr. counsel submits that the petitioner is not permitted to question the jurisdiction of the Executive Committee (EC) in this regard, the principle of waiver being squarely applicable in his case.

25. On the appointment of the respondent No. 4 as Acting Syiem which is also the subject matter of WP(C) No. 232, the learned Sr. counsel has submitted that under the peculiar facts and circumstances of the case and taking recourse to a reasonable option, the judicious discretion exercised by the EC under proviso to Sub-Section (1) of Section 8 in appointing the respondent No. 4 as Acting Syiem is a decision adopted by the EC which is rational and prudent, considering the fact that on the suspension of the petitioner, there must be a stop gap arrangement, and further, considering the seriousness of the allegation against the petitioner/Syiem, the Deputy Syiem being the brother of the suspended Syiem could not have been appointed as Acting Syiem. Even assuming but not admitting that the consultation with the Executive Durbar is mandatory, following the “*doctrine of necessity*”, the course taken by the EC is



found justified, the case of **Union of India v. K.G. Soni (2006) 6 SCC 794**, para 13 and 14 as well as the case of **Babasaheb Wasde v. Monahar Gangadhar Muddeshwar and Ors, (2024) 11 SCC 705**, para 17, 18 and 20 was referred to by the learned Sr. counsel, in this regard.

26. As to the objection taken on non-application of Section 25 of 2007 Act, that is, that the relevant notification appointing the respondent No. 4 as the Acting Syiem not being in conformity with the said provision, the learned Sr. counsel has submitted that the EC as a collective body has taken its statutory decision vide resolution/minutes dated 21.05.2026 suspending the writ petitioner pending enquiry and by appointing respondent No. 4 as Acting Syiem, to take appropriate steps in furtherance to the said collective decision which is purely for administrative convenience, the EC has delegated such task to two EC members for issuing communication/notification etc., however, the EC never delegates its collective power to the said two EC members under Section 25 of the Act. Therefore, there can be no grievance by the petitioner in this respect as the decision of the EC has been conveyed to him eventually.

27. The learned Sr. counsel has also refuted the contention of the petitioner as regard the application of Section 8 of the said Act of 2007, by submitting that this provision simply provides that the EC by order in writing appoints the Acting Syiem, which was done so vide the original decision of the



EC dated 21.05.2026 and the subsequent notification dated 22.05.2026. That, such communication, if signed by a single EC member, such action will not vitiate the collective EC original/resolution dated 21.05.2026. As such, the apprehension of the petitioner in this regard is not well founded.

28. The petitioners in both the writ petitions not being entitled to any relief, as such, the respective writ petitions being devoid of merits, the same may be dismissed by this Court, submits the learned Sr. counsel.

29. Mr. S. Sen, learned counsel for respondent No. 4 in his submission to defend the action of the respondent KHADC in appointing the said respondent as the Acting Syiem has submitted that Section 8 of the Act provides for appointment of Acting Syiem. However, the first proviso in the section has bestowed discretionary power to the District Council to appoint an Acting Syiem other than the Deputy Syiem, as such, any Khasi male adult belonging to the Myllem Syiem Clan can, in the wisdom of the EC be appointed as the Acting Syiem. Though while exercising such power, the Executive Committee has the discretion to consult the Executive Durbar, being a discretion, not consulting the Executive Durbar, would not render the appointment of the Acting Syiem illegal, as such, the action of the EC in this regard, cannot be faulted, considering the peculiar situation as far as the relationship of the suspended Syiem and the Deputy Syiem as brothers is concerned.



30. This Court having heard the learned counsels for the respective parties and noting the pleadings presented herein, is made to understand that the main dispute to be decided in this lis, is the legal validity of the action of the respondent/KHADC in placing the petitioner Shri Ainam Manik Syiem [WP(C) No. 233 of 2026] under suspension as Syiem of Hima Myllem, vide the impugned Notification dated 22.05.2026(supra).

31. Another aspect of the matter is the appointment of the respondent No. 4 as the Acting Syiem of Hima Myllem, when the petitioner in WP(C) No. 232, who is the current Deputy Syiem is the rightful claimant, such action being contrary to the relevant provision of the Act of 2007.

32. However, at the outset, in view of the contention of the learned Sr. counsel for the respondent/KHADC as regard the jural relationship between the petitioner (Syiem) and the District Council vis-a vis the authority of the T. Cajee case, this Court will deal with this issue first to bring a correct perspective in the light of the facts and circumstances of this case.

33. That the Supreme Court in the said case of T. Cajee has gone into the legislative history of how the former Khasi States (twenty-five of them) with the Chiefs (Syiem) presiding over such States, prevalent in the pre-1947 period, their position and status was defined under the Constitution of India after the same came into effect in 1950.



34. At para 4 and 5 of the said T. Cajee case, mention has been made that after the paramountcy of the British Government lapsed, a new relationship was established between the twenty-five Chiefs and the Government of India by means of the Instrument of Accession which was accepted by the Governor-General of India on August 17, 1948. By this, all administrative arrangements between the Government of India and the State of Assam on one hand and the Khasi States on the other were to continue, subject to certain exceptions as to judicial and administrative powers.

35. At para 5, 6, 7, 8 & 9, the Supreme Court has exhaustively dwelled on the position of law after the Constitution came into force, wherein, the administrative power of the twenty-five Khasi States came to an end and that the governance of these States was to be carried out under the provisions of the Sixth Schedule. On a discussion about the Sixth Schedule, what emerges is the existence of the Autonomous District Council(s) within the areas covered by the Sixth Schedule at para 9, wherein, it was observed that the Siem(Syiem), “...*was thus no more an administrative officer appointed by the District Council by virtue of its powers under para 2(4) of the Schedule and working under its control...*”

36. When it comes to the method or process of appointment and removal of the Syiem, the essence of this has been projected by the learned Sr. counsel



for the KHADC by reference to certain portions found at para 11 of the said T.

Cajee case, the same of which are extracted herein below for reference:

“11. In this case, the District Council when it confirmed the appointment of the respondent laid down certain terms by virtue of its power of administration and so far as the respondent is concerned those terms would govern the relations between him and the District Council in respect of all matters including his removal from the office of Siem. As pointed out by this Court in Parshotam Lal Dhingra v. Union of India, (1958) SCR 828, 841, the conditions of service of a government servant appointed to a post are regulated by the terms of the contract of employment, express or implied, and subject thereto, by the rules applicable to the members of the particular service. In the absence of such general rules, the particular terms offered to a particular officer on his appointment would govern the relationship between the appointing authority and the person appointed in that particular case. It would therefore be wrong to hold that the respondent could not be removed from his office after his appointment in accordance with the terms on which he was appointed...

... the power to appoint would include from its very nature, being inherent in it, the power of removal, for it can hardly be contended that though the appointment might be made, the authority making the appointment would have no power to remove a person once appointed. In this particular case there can be no difficulty whatsoever because when the District Council confirmed the appointment of the respondent it laid down the terms on which the appointment will be held as well as the terms on which the respondent could be removed from the office...

... We are therefore of opinion that the respondent being an officer appointed to carry on the administration by the District Council could be removed by it in accordance with the terms and conditions of his appointment.”

37. Again, what would be observed herein is that the Syiem could be removed (or suspended) by the District Council only in accordance with the



terms and conditions of his appointment, which by now is well crystalized in the prevailing statute governing the same. In this regard, the Supreme Court in the said T. Cajee case has referred to the law, then in force which observation is found at para 14 which reads as follows:

“14. Before we part with this case we should like to point out that a law has now been passed, namely, the United Khasi-Jaintia Hills Autonomous District (Appointment and Succession of Chiefs and Headmen) Act, 1959 (2 of 1959), which came into force in October 1959. It deals with the appointment of Chiefs and Headmen as well as their removal and suspension (as a punishment). The word "Chief" includes a Siem, a Lyngdoh, etc. and the respondent would therefore be a chief within the meaning of this Act and further action may be taken accordingly.”

38. This Court could not but agree with what has been observed herein above in the context of the controversy raised in this petition. However, as to the law which covers the subject of appointment and removal of the Syiem of Myllem, there is no denying the fact that since 2007, ‘The Khasi Hills Autonomous District (Appointment and Succession of Syiem, Deputy Syiem, Electors and Rangbah Shnong of Myllem Syiemship) Act, 2007’ now holds the field. Section 1 of the Act reads thus:

“1. Short title, Extent and Commencement: -

- (1) This Act may be called the Khasi Hills Autonomous District (Appointment and Succession of Syiem, Deputy Syiem, Electors and Rangbah Shnong of Myllem Syiemship) Act, 2007.*
- (2) It shall applies to the whole of the Myllem Syiemship.*
- (3) It shall come into force at once.”*



39. In the context of the T. Cajee case, the predominance of the 1959 Act(supra) has now been replaced by the Act of 2007 by virtue of the provision of Section 26 of the Act of 2007 which reads as follows:

“26. Annulment:-

The provisions contained in the United Khasi-Jaintia Hills Autonomous District (Appointment and Succession of Chiefs and Headmen) Act, 1959 as amended, shall on and from the commencement of this Act, no longer be operative as far as the Hima Myllem is concerned.”

40. Thus, we see that the Act of 1959 having been annulled, it practically means that it has been repealed and with the coming in force of the Act of 2007, this Act has since become inoperative. Considered in what has been held in the T. Cajee case as far as the application of the said Act of 1959 to the case of the petitioner herein is concerned, by applying the concept of ‘legal fiction’, the Act of 2007 can be said to be prevalent then. The argument of the learned Sr. counsel that the said Act of 1959 remained applicable and supplementary to the Act of 2007 with regard to suspension pending enquiry, this contention is found unfounded in view of the observations made above, as it is clear that any prospective action, sought to be taken up, recourse to the 1959 Act, will no longer be available to the Executive Committee.

41. The case of Surjakumar Okram and Ors (supra) is found relevant and applicable in this regard, where at para 22 and para 23 of the same, the Supreme



Court has observed as follows:

“22. In Kay v. Goodwin, (1830) 6 Bing 576 at p. 582, Tindal, C.J. stated:

"I take the effect of repealing a statute to be to obliterate it as completely from the records of Parliament as if it had never been passed; and it must be considered as a law that never existed except for the purpose of those actions which were commenced, prosecuted and concluded whilst it was an existing law."

23. In State of U.P. v. Hirendra Pal Singh, (2011) 5 SCC 305, this Court was of the following opinion: (SCC p. 314, para 22)

"22. It is a settled legal proposition that whenever an Act is repealed, it must be considered as if it had never existed. The object of repeal is to obliterate the Act from the statutory books, except for certain purposes as provided under Section 6 of the General Clauses Act, 1897. Repeal is not a matter of mere form but is of substance. Therefore, on repeal, the earlier provisions stand obliterated/abrogated/wiped out wholly...."

42. Coming to the contention of the learned Sr. counsel as to the master-servant relationship between the petitioner (Syiem) and the District Council and the power to appoint and dismiss in such circumstances, what is noticed is that the Syiem in this case was not directly appointed by the District Council, but by virtue of the provision of Section 4 of the Act of 2007, the Syiem after being duly elected by the electoral college, the District Council under Section 5 then appoints him to such office. Therefore, it invariably follows that, if such Syiem is to be removed or suspended, first there must be a formal complaint, and secondly, such complaint must be brought to the knowledge of the Durbar Hima as provided under Section 7. On a harmonious reading of the provisions of



Sections 4, 5 and 7 respectively, it can be said that the process of removal and suspension of the Syiem cannot be resorted to by the District Council without the knowledge of the Durbar Hima or by resorting to an express provision in this respect, the same being clearly absent in the Act, as has been admitted to by the learned Sr. counsel. There is no concept of an implied or inherent power in this regard since there is no saving clause in Section 7 or any other provisions of the Act to infer application of such power by the District Council in this regard. The case of Bavantray Ratilal Patel (*supra*) and other cases cited to support this contention are found not applicable under the facts and circumstances herein.

43. It can also be said that in the T. Cajee case, the Supreme Court has maintained that the Syiem is an Administrative Officer of the District Council, but this does not necessarily mean that there exists a master-servant relationship between the two in the strictest sense of the term, this aspect of the matter having been explained in the preceding paragraphs herein.

44. That the contention of the KHADC is that the complaint against the petitioner (Syiem) was taken up by the District Council on a sou-moto initiation, where power to look into misconduct or wrongdoing by the Syiem warrants no formal complaint by a third party, even, if this contention is accepted *prima facie*, it still does not answer the question as to whether such complaint is required to be first placed before the Durbar Hima or not to initiate disciplinary action



against the delinquent, contrary to the express provision in Section 7. This, not having been done so by the District Council or the Executive Committee for that matter, such action falls foul of the legal procedure and therefore, cannot stand the scrutiny of law.

45. The authority in the case of Singhara Singh (supra) cited by the learned counsel for the petitioner is relevant to the discussion supra, as far as the interpretation of the application of the provisions of the Act of 2007 to the case of the petitioner is concerned. Para 8 of the said judgment reads as follows:

“8. The rule adopted in Taylor v. Taylor (1876) 1 Ch D 426 is well recognised and is founded on sound principle. Its result is that if a statute has conferred a power to do an act and has laid down the method in which that power has to be exercised, it necessarily prohibits the doing of the act in any other manner than that which has been prescribed. The principle behind the rule is that if this were not so, the statutory provision might as well not have been enacted. A Magistrate, therefore, cannot in the course of investigation record a confession except in the manner laid down in Section 164. The power to record the confession had obviously been given so that the confession might be proved by the record of it made in the manner laid down. If proof of the confession by other means was permissible, the whole provision of Section 164 including the safeguards contained in it for the protection of accused persons would be rendered nugatory. The section, therefore, by conferring on Magistrates the power to record statements or confessions, by necessary implication, prohibited a Magistrate from giving oral evidence of the statements or confessions made to him.”

46. By the same yardstick, if the case of the petitioner in WP(C) No. 232 is to be considered, the office of the Deputy Syiem or Syiem Khynnah has received legal sanction by virtue of Section 9 of the said Act of 2007. The



qualification to occupy such office is that the incumbent should be an adult brother or nephew of the Syiem. The petitioner herein is the brother of the suspended Syiem who was placed in office, being duly qualified, during the tenure of the said suspended Syiem. As such, there is no complaint as to his qualifications.

47. Section 8 of the Act provides for the appointment of an Acting Syiem, in the event, the office of the Syiem falls vacant as a result of dead, resignation, retirement due to old age, removal or suspension. In such a situation, it is incumbent upon the Executive Committee to appoint the Deputy Syiem to act as an Acting Syiem, who shall then exercise all the powers and functions of the Syiem. There is an exception to this, that is, when a situation so warrants, the Executive Committee may in consultation with the Executive Durbar, appoint any Khasi male adult belonging to the Syiem Myllichem Clan who fulfills the qualifications required, as the Acting Syiem of Myllichem Syiemship.

48. The relevant notification in this regard, would indicate that the respondent No. 4 was appointed as the Acting Syiem purely on the ground that the present Deputy Syiem is found to be the younger brother of the suspended Chief (Syiem). This notification on the face of it, is legally flawed, since the premise upon which the respondent No. 4 has been appointed as the Acting Syiem is hit by the provision of Section 8 of the said Act of 2007, wherein, it has



been specifically provided that only the Deputy Syiem is to be appointed as the Acting Syiem, the fact that he is the brother of the Syiem cannot be a disqualification in this regard as the provision of Section 9 mandates the appointment of a Deputy Syiem from amongst the brothers and nephews of the incumbent Syiem. There is also nothing on record to show that the appointment of the respondent No. 4 as the Acting Syiem, not being a brother or nephew of the incumbent Syiem was done so as an outcome of any consultation by the Executive Committee with the Executive Durbar.

49. Furthermore, the objection of the petitioner in WP(C) No. 232 of 2026 that the notification, appointing the respondent No. 4 as the Acting Syiem was issued vide notification No. DC.XXVII/Genl/192/2023-2026/ dated 22.05.2026, the same being issued under the hand and signature of only one Executive Member, that is, Executive Member, i/c Elaka Administration etc., when Section 25 of the Act prescribes exercise of such power, on being authorized and on behalf of the Executive Committee to be by two or more of its members, therefore, the said notification being signed by only one Executive Member, the same not being a proper notification, such contention is also found acceptable by this Court. The authority referred to by the learned counsel for the petitioner in the case of **Iaineh Nongkhlaw v. State of Meghalaya (2025) SCC Online Megh. 526** is found relevant in this respect, wherein, this Court at para 3, 4 and 5 of the said judgment has held as follows:



“3. Mr. K. Paul, learned Senior Counsel for the petitioner at the outset points out that the impugned order has been passed by only one Executive Member of the Executive Committee, Khasi Hills Autonomous District Council which is contrary to the provision of Section 25 of the Khasi Hills Autonomous District (Appointment and Succession of Syiem, Deputy Syiem, Electors and Rangbah Shnong of Myllem Syiemship) Act, 2007. He submits that the provision of Section 25 mandates that two or more members will be authorized to exercise power of the Executive Committee. He submits that the impugned order, as such, is incompetent.

4. Mr. T.T. Diengdoh, learned Senior Counsel appearing for the Khasi Hills Autonomous District Council does not dispute the submission made on behalf of the petitioner.

5. In view of the above, without going into the merits of the case, the impugned order dated 02-05-2024 is hereby set aside and quashed leaving the matter to the Executive Committee of the District Council Court for reconsideration.”

50. Similarly, the learned counsel for the petitioner has also referred to the case of **Dondor Jana & Anr v. Khasi Hills Autonomous District Council (KHADC), 2025 SCC Online Megh. 449**, wherein, para 3 and 8 of the judgment which are relevant are quoted herein below:

*“3. Mr. T.T. Diengdoh, learned Senior counsel assisted by Mr. R. Kharsyad, learned counsel for the respondents Nos. 1 & 2, when the matter has taken up today has fairly submitted that on thorough examination of the materials especially the impugned order, the same seems to be without any authority and without any jurisdiction, inasmuch as, the same has not been passed in accordance with Rule-31 of **The Assam and Meghalaya Autonomous Districts (Constitution of District Councils) Rules, 1951**, which mandates that an order passed by an individual member of the Executive Committee on a matter pertaining to his subject, the same should be in furtherance to a discussion or authorization, which appears to be absent in the instant case.*



*8. It appears that the dispute that has arisen is with regard the proposed expansion of the Village footpath used by the villagers through the petitioners' land, which is sought to be expanded to a regular motorable road. As observed above, though attempts have been made to try to resolve the matter, inasmuch as, the same is of vital public interest and wellbeing of the villagers, the same having borne no fruit, the matter had then proceeded before this Court. Today, however on the submissions of the parties especially the submissions of the learned Senior counsel for the respondents Nos. 1 & 2, with regard to the validity of the impugned order, this matter therefore will necessarily have to be remanded to the Executive Committee, as it is patent on the face of the order itself that the same has been authored by a single member without any reference to a discussion or authority vested on him as per Rule-31 of **The Assam and Meghalaya Autonomous Districts (Constitution of District Councils) Rules, 1951.**"*

51. The authorities cited by the respective parties has been perused and only what is found relevant, has been noted and referred to herein to the exclusion of the others.

52. In any view of the matter, on the basis of what has been observed hereinabove, this Court is of the considered opinion that the action of the respondent KHADC as far as the suspension of the petitioner/Syiem of Myllichem [WP(C) No. 233 of 2026] is concerned, the same has been done so dehors the provisions of the Act of 2007. Accordingly, the related impugned notifications, including the suspension order is hereby set aside and quashed.

53. The respondent KHADC is hereby directed to forthwith reinstate the petitioner/Syiem as the Syiem of Myllichem, the appointment of the respondent No. 4 as the Acting Syiem is also hereby set aside and quashed.



54. In the event, this Court having decided that the suspension of the incumbent Syiem has not been carried out in accordance with law, the grievance of the petitioner in WP(C) No. 232 of 2026 no longer subsist, he will continue to remain as the Deputy Syiem.

55. It is made clear that the merits of the alleged complaint or the substance of it, made against the petitioner/Syiem has not been discussed herein as it is found not relevant, the same being the subject matter of the proposed enquiry. Since the very initiation of the enquiry and the accompanied suspension has been set aside and quashed in these proceedings, the complaint per se has become redundant.

56. Petitions disposed of. No costs.

Judge