

Khasi Hills Autonomous District Council

Versus

Pawan Sharma

Date of Decision : 10-Dec-1999

STATUTES REFERRED:

JUDGMENT/ORDER:

(1) THE Assam Municipal Act, 1956 as adopted by Meghalaya State was amended by the Meghalaya Municipal (Amendment) Ordinance, 1998. By this amendment, Sections. 12A to 12D were inserted in the principal Municipal Act. During the pendency of the proceedings before the High court, the Ordinance lapsed. But still the High court proceeded to dispose of the public interest litigation and quashed the ordinance.

(2) WE are of the view that the Meghalaya Municipal (Amendment) Ordinance, 1998 having not been adopted by the Legislature, and having lapsed, there was no occasion for the High court to adjudicate upon its validity or to quash it, particularly as no action under the Ordinance was taken. The ordinance had died its own death.

(3) IN view of the above, the appeals are allowed. The impugned judgment of the High court is set aside with the observations that the municipal elections may now be held within six months, in accordance with law.
