

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No.11/2024 with
MC (PIL) No.5/2024

Date of Order : 24.02.2025

Raphael Warjri Vs. State of Meghalaya & ors

Coram:

Hon'ble Mr. Justice I.P. Mukerji, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner	: Mr. Philemon Nongbri, Adv with Mr. E. Lalsangluaia, Adv
For the Respondents	: Mr. A. Kumar, Advocate General with Mr. K. Khan, AAG Mr. S. Chakrawarty, Sr.Adv with Mr. P.A. Dohkrut, Adv for R/4&5

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| i) | Whether approved for reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication in press: | Yes |

Note: 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.

The alleged contemnors are all present in Court. Their presence be recorded. Their further presence is dispensed with for the time being.

We have heard Mr. S. Chakrawarty, learned senior Advocate appearing for the alleged contemnors and perused the affidavit filed by each of them. We also heard learned counsel for the petitioner.

In short what is stated in the affidavits is as follows.

St. Anthony's Lower Primary School is a premier institution of Shillong. It educates students between classes nursery and grade-V. The students' strength is 650. From 13th January, 1922, the school is run by the missionaries of the Salesians of Don Bosco belonging to the Catholic Church. The school building was built between 1949 and 1952. It is 72 years old.

In or about 2024, the building was found to be structurally very weak and needed large scale restructuring, rebuilding and renovation. The management of the school engaged Reliant Foundations Private Limited of Guwahati who carried out various tests and advised the above structural changes.

Matters came to a head at the close of 2024 when allegedly the building was found to be tilting and "urgent and immediate action is called for to prevent any serious damages or accidents" as recorded in the recommendation of the management of the school dated 4th January, 2025.

It has also been stated in the affidavit that the Meghalaya Urban Development Authority has approved the plan for restructuring, rebuilding and so on without raising any question with regard to heritage.

Now, the question which seeks an answer is this: the order passed by us was made on 9th December, 2024. The school management had full knowledge of it. The Court despite being closed for the Christmas vacation, had a vacation bench sitting periodically. Why this allegedly imminent danger to the building and the need to demolish it was not brought to the notice of the vacation bench and appropriate leave obtained to demolish the building? When the matter was made returnable on the very next day of reopening of the Court on 28th January, 2025, why during the vacation of the

Court, the building had to be demolished, when it was allowed to stand for all this while?

The alleged contemnors are directed to file an affidavit explaining this by 17th March, 2025.

The building has already been demolished. The students have been relocated to another place. It is a premier school in Shillong. The building restructuring plan has been approved by the Meghalaya Urban Development Authority. According to the respondent authorities, on a combined view of the square, the statue of the Don Bosco and the façade of the school facing it, the building should be declared as heritage. Considering all the above facts, we permit the school management to rebuild but the plan and architecture of the building should be more or similar to the demolished one. If the approved plan has to be revised, it may be so done and duly approved by the Meghalaya Urban Development Authority. The management may proceed with the reconstruction work but shall not create any third party rights by transfer, creating encumbrance or parting with possession of the property without the leave of the Court.

We make this PIL returnable on 19th March, 2025.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice

Meghalaya
24.02.2025
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