

GAHC010028182024



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WA/434/2024

1.THE UNION OF INDIA AND 2 ORS.
REP. BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY OF HOME
AFFAIRS, NORTH BLOCK, CENTRAL SECRETARIATE, NEW DELHI

2: THE DIRECTOR
MINISTRY OF HOME AFFAIRS
NORTH BLOCK NEW DELHI

3: THE JOINT SECRETARY
GOVT. OF INDIA MINISTRY OF HOME AFFAIRS (N.E. DIVISION) NORTH
BLOCK NEW DELH

VERSUS

1.SH. ZUITHANGA AND 17 ORS.
S/O VARA (L)
WEST PHAILENG, MAMIT DISTRICT,
MIZORAM, REPRESENTED BY HIS SON ROSANGA.

2:SH. CHUAUKUNGA (NOW DEAD)
S/O LIANNGURA
WEST PHAILENG MAMIT DIST
MIZORAM R/B HIS WIFE THANGKHUMI (82 YEARS)

3:SMTI. ROCHHUNGI
W/O LALTHANZUALA SAILO
R/O WEST PHAILENG MAMIT DIST. MIZORAM

4:SH. DARRIKHUMA
S/O RUALA
R/O WEST PHAILENG MAMIT DIST. MIZORAM

5:SH. TLANGKHUMA (NOW DEAD)
S/O RUALKHMA R/O WEST PHAILENG

MAMIT DIST. MIZORAM

6:SH. LALNGHENG (NOW DEAD)
S/O SANGKHUMA
R/O WEST PHAILENG MAMIT DIST.
MIZORAM R/B HIS DAUGHTER HMANGAIHZUALI (50 YEARS)

7:SH. C.VANLALSIAMA (NOW DEAD)
R/O WEST PHAILENG
MAMIT DIST. MIZORAM
R/B HIS WIFE DARRIKHUMI (67 YEARS)

8:SMTI. HRANGLAWMI (NOW DEAD)
D/O PACHHUNGA (L)
R/O WEST PHAILENG MAMIT DIST.
MIZORAM R/B HIS SON LALSAIHNUNA SAILO (66 YEARS)

9:SH. THIAM SANGA
S/O SIALAICHHUNGA
R/O WEST PHAILENG MAMIT DIST. MIZORAM

10:SH. KAPTHANGPUIA
S/O THANGTHUAMI
R/O WEST PHAILENG MAMIT DIST. MIZORAM
R/B HIS SON LALAWNGLIANA (64 YEARS)

11:SH. LALDINGLIANA (NOW DEAD)
S/O KAPZAUVA
R/O WEST PHAILENG MAMIT DIST. MIZORAM
R/B HIS SON J.LALRONGENGA (58 YEARS)

12:SH. C.THANKHUMA
S/O LIANNGURA
R/O WEST PHAILENG MAMIT DIST. MIZORAM

13:THE SECRETARY TO THE GOVT. OF INDIA
MINISTRY OF DEFENCE
SOUTH BLOCK NEW DELHI

14:THE DEFENCE ESTATE OFFICER
GUWAHATI CIRCLE P.O.SILPUKHURI GUWAHATI-3

15:THE STATE OF MIZORAM
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF MIZORAM
AIZAWL MIZORAM

16:THE SECRETARY TO THE GOVT. OF MIZORAM
LAND REVENUE AND SETTLEMENT DEPT. AIZAWL

17:THE DIRECTOR
LAND REVENUE AND SETTLEMENT DEPT. AIZAWL

18:DEPUTY COMMISSIONER MAMIT DISTRICT AIZAWL MIZORAM

For the Appellant(s) : Mr. S.C. Keyal, Advocate.

For the Respondent(s) : Mr. P.D. Nair, Advocate for respondent Nos.1 to 12.

: Ms. P. Bhattacharya, Additional Advocate General,
Mizoram.

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR

HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

25.02.2026

(Ashutosh Kumar, CJ)

We have heard Mr. S.C. Keyal, learned Advocate for the appellants/*Union of India in the Ministry of Home Affairs* and Mr. P.D. Nair, learned Advocate for respondent Nos.1 to 12. The State of Mizoram is represented by Ms. P. Bhattacharya, learned Additional Advocate General, Mizoram.

By the judgment dated 15.11.2023 passed in WP(C) No.17/2023, a learned Single Judge of this Court (Aizawl Bench) had directed the appellants to pay to respondent Nos.1 to 12 (private respondents), the rental for their lands which were occupied by the Security Forces for a long period of time, and also awarded interest at the rate of 6% per annum till the final realization of the compensation amount.

The afore-noted judgment was questioned by the appellants/*Union of India* but in its Defence Department vide WA

No.6/2024.

The challenge could not be sustained and a Division Bench of this Court vide judgment dated 15.05.2024, made a clarification that the liability of making payment to the private respondents would fall on the Home Department of Union of India.

Mr. S.C. Keyal, learned Advocate for the appellants submits that before making that clarification, the Home Department ought to have been heard.

This submission of Mr. Keyal did not find favour with this Court on an earlier occasion when the matter was heard on the ground that it matters not as to which Department of Union of India would make payment towards compensation to the respondents as Union of India is one entity. Even otherwise, on merits, the Division Bench in Writ Appeal No.6/2024 made it very clear that there was no tenable ground of challenge against the judgment of the learned Single Judge holding that the private respondents are to be compensated for the use of their land for a long period of time.

In that view of the matter, any appeal preferred by a different Department of the Government would not be maintainable on the sole ground that the responsibility to pay compensation to the private respondents does not lie with the Home Department.

This is a matter of internal arrangement *inter se* Departments of the Union of India which does not, in any manner, dilute the rights accrued to the private respondents.

Today Mr. Keyal has shown to this Court a communication dated 03.02.2026 made to him by the under Secretary to the Government of India, Ministry of Home Affairs, stating that since the appellate order in question did not delve into the merits of the case, therefore, the present appeal is maintainable.

We have taken the afore-noted communication filed across the board on record. The reasoning does not convince this Court so far as maintainability of this appeal is concerned.

The appellants would be well advised to challenge the Division Bench judgment before the appropriate forum.

Entertaining this appeal would amount to hearing a matter which has already been decided by a Bench of co-eval strength.

Finding this appeal to be not maintainable, we dismiss the same, with the liberty reserved to the appellants to challenge the afore-noted appellate judgment in the appropriate forum.

JUDGE

CHIEF JUSTICE

Comparing Assistant