

GAHC020000552025



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

Case No. : MC(CRL)/2/2025

E N KITHAN
FOMERLY DIRECTOR
DEPT. OF LAND RECORD AND SURVEY
GOVT. OF NAGALAND AT DIMAPUR
(SERVED DURING 3RD JUNE 2014- 31ST DEC 2023)

VERSUS

STATE OF NAGALAND AND 2 ORS
THROUGH ITS SECRETARY
DEPT. OF LAND RECORD AND SURVEY
GOVT. OF NAGALAND
NAGALAND, KOHIMA

2:THE NAGALAND LOKAYUKTA
THROUGH ITS SECRETARY
BELOW NEW SECRETARIAT
NAGALAND
KOHIMA

3:INSPECTOR GENERAL OF POLICE AND DIRECTOR
HOD AND OFFICER INCHARGE
LOKAYUKTA POLICE STATION
NAGALAND
KOHIM

Advocate for the Petitioner : N Z LOTHAN, PRINCE KUMAR, SHUBHI SRIVASTAVA

Advocate for the Respondent : GOVT ADV NL,

Linked Case : I.A.(CrI.)/3/2025

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NAGALAND
KOHIMA

Advocate for : N Z LOTHAN
Advocate for : GOVT ADV NL appearing for STATE OF NAGALAND AND 2
ORS

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ORS

BEFORE
HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER

ORDER

24.02.2025

Heard the learned counsel for the petitioner, Mr. S.K. Srivastava assisted by Mr. N.Z. Lotha.

It is the case of the petitioner that he was Director, Land Records and Survey, Government of Nagaland from 03.06.2014 to 30.06.2023. The erstwhile Vigilance Commission in the year 2015, vide an Office Note dated 20.04.2015 had initiated a criminal proceeding against the petitioner without registration of any FIR as laid down under Section 154 and 157, CrPC in as much as the Office Note at Annexure- A-1 to the

present criminal petition is a mere office note and no cognizable offence of any kind has been reflected therein. It is the further case of the petitioner that the report of the CAG basing on which the investigation was initiated is a mere report and tentative in nature, which is not final and it is for the Government Department concerned to take steps on the same as advised. The petitioner also submits that he has since retired on 30.06.2023 but till date no disciplinary proceeding has also been initiated against him basing on these facts. The petitioner, therefore, prays that the proceedings before the learned Lokayukta Nagaland being Case No. A.VIG-17/2015 may be quashed and set aside.

Learned Government Advocate, Mr. Veto V. Zhimomi has appeared for the respondent no. 1.

The petitioner will take steps for service on respondent nos. 2 and 3 by Dasti service and shall file an affidavit to that effect within a week from today. Notice is made returnable within 4 (four) weeks.

In the interim, no coercive action in pursuance of the aforementioned case may be taken up against the petitioner till the next returnable date.

JUDGE

Comparing Assistant