



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

Case No. : WP(C)/50/2020

THE THAHEKHU VILLAGE COUNCIL
DISTRICT- DIMAPUR, NAGALAND,
REPRESENTED BY ITS CHAIRMAN,
MR. I. KHEKUTO YEPTHO,
AGED ABOUT 50YRS
MOBILE NO. 9436003871

VERSUS

STATE OF NAGALAND AND 7 ORS
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT OF NAGALAND,
KOHIMA, NAGALAND 2:THE FINANCE COMMISSIONER
GOVERNMENT OF NAGALAND

KOHIMA
NAGALAND

3:THE COMMISSIONER AND SECRETARY/SECRETARY
DEPARTMENT OF LAND REVENUE AND RECORDS

GOVERNMENT OF NAGALAND

KOHIMA
NAGALAND

4:THE DEPUTY COMMISSIONER
DISTRICT- DIMAPUR
NAGALAND

5:THE UNION OF INDIA
THROUGH THE SECRETARY

MINISTRY OF DEFENCE

GOVERNMENT OF INDIA
101-A
SOUTH BLOCK

NEW DELHI

6:THE GOC
3 CORPS

C/O. 99 APO

7:THE DEFENSE ESTATE OFFICER
3 CORPS
C/O. 99 APO

8:CHUMUKEDIMA VILLAGE COUNCIL
DIMAPUR DISTRICT
NAGALAND

REPRESENTED BY ITS CHAIRMAN
SHRI. RAZOUVOTUO CHATSU

S/O LATE NEISESA CHATS

Advocate for the Petitioner : A. ZHIMOMI

Advocate for the Respondent : GOVT ADV NL (R/1

Linked Case : WP(C)/204/2021

THE THAHEKHU VILLAGE COUNCIL
REPRESENTED BY ITS CHAIRMAN
MR. GEORGE AYEMI
DIMAPUR
NAGALAND

VERSUS

THE STATE OF NAGALAND AND 8 ORS
REPRESENTED BY THE CHIEF SECRETARY
GOVT. OF NAGALAND
KOHIMA

NAGALAND

2:THE COMMISSIONER

GOVT. OF NAGALAND

KOHIMA

NAGALAND

3:THE COMMISSIONER AND SECRETARY/SECRETARY

DEPARTMENT OF LAND REVENUE AND RECORDS

GOVT. OF NAGALAND

KOHIMA

NAGALAND

4:STATE LAND ACQUISITION AUTHORITY(SLAA)

THROUGH ITS MEMBER SECRETARY

THE DEVELOPMENT COMMISSIONER

GOVT. OF NAGALAND

KOHIMA

NAGALAND

5:THE DEPUTY COMMISSIONER

DIMAPUR

NAGALAND

6:THE UNION OF INDIA

THROUGH THE SECRETARY

MINISTRY OF DEFENCE

GOVT. OF INDIA

101-A

SOUTH BLOCK

NEW DELHI

7:THE GOC

3 CORPS

C/O 99 APO

8:THE DEFENSE STATE OFFICER

3 CORPS

C/O 99 APO

9:THE CHUMUKEDIMA VILLAGE COUNCIL

THROUGH ITS CHAIRMAN

DISTRICT - DIMAPUR

DIMAPUR

NAGALAND

Advocate for : A. ZHIMOMI

Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND AND 8

ORS

BEFORE

HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

08-04-2024

1. Heard the learned counsel for the parties.
2. The two writ petitions are taken up together. WP(C)/50/2020 is filed with a prayer that the petitioners' village be paid rental compensation for use of its land by the Indian Military Forces for construction of Rangapahar Military Station. It is the case of the petitioner that without due process of law, the land belonging to the petitioners' village has been taken away for construction of the aforesaid Military Station and some compensations were paid as rental of compensation. The subject land has been under occupation of the Military Station since the year 1996, however, neither any rental compensation has been paid nor any step has been taken for the acquisition of the land inasmuch as it is the argument of the learned counsel for the petitioner that the Military Station is a construction which is permanent in nature and therefore in such construction of permanent nature, requisition is not permitted and it should be acquisition.
3. The respondent No. 8 on the other hand contends that the land taken over by the Arm Forces for construction of the station in question belongs to the respondent No. 8 village and not to the petitioners and they are entitled for the compensation, which has not been paid yet. In the meantime, a

committee namely State Land Acquisition Authority (SLAA) was formed by the State of Nagaland to deal with different land acquisition matters and the said committee has also made a recommendation for acquisition and payment of compensation so far it relates to the land under occupation of the Military Station.

4. Fundamental grievance is that though major portion of the land has been possession of the Union of India and the Military Station has been constructed thereupon, no formal land acquisition compensation has been paid. The further challenge is as regards authority of SLAA in making the recommendation as discussed hereinabove.
5. The Union of India has taken a stand that they have paid the compensation to the State Government and it is the State Government through the Collector is to distribute the land acquisition compensation to the person interested.
6. The State Government has taken a stand that compensations were paid to the petitioners for acquisition of their land earlier and therefore, they are not entitled for compensation.
7. The stand of the respondent No. 8 is that the land for which no compensation has yet been paid belongs to the respondent No. 8 village and the for the portion of land which was acquired by the Union belonging to the petitioners, the compensation has already been paid.
8. In the aforesaid backdrop, this Court is require to go through the record, on the basis of which the State of Nagaland has

claimed that the compensation has been paid to the petitioners inasmuch as such record will throw a light whether any compensation was paid to the petitioners for acquiring the land or it was a rental compensation and whether any award in this regard has been passed.

9. At this stage, the learned State counsel submits that she may be granted four weeks time to produce the record. Prayer stands allowed.
10. In view of the stand taken by the Union, let the Union of India also produce the record pertaining to payment/ deposit of compensation before the State of Nagaland/ concerned Collector.
11. List these matters after four weeks.

Sd/-

JUDGE

Comparing Assistant