

GAHC020001932025



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

Case No. : WP(C)/63/2025

MR VIHUTO I AOMI
S/O IKISHE AOMI, R/O H/NO. 82,
ERALBILL VILLAGE,
DIMAPUR, NAGALAND

VERSUS

THE CHIEF MANAGER, BANK OF BARODA AND 2 ORS
CIRCULAR ROAD, DIMAPUR, NAGALAND

2:THE ADDITIONAL DISTRICT MAGISTRATE
DIMAPUR NAGALAND

3:THE EXTRA ASSISTANT COMMISSIONER(REVENUE)
DIMAPUR NAGALAN

Advocate for the Petitioner : A. ZHIMOMI,
ESTHER,
LHOUSINO,
G KAMEI,
VITO K SHOHE,
NEITSEIZONUO SOLO

Advocate for the Respondent : ,

**BEFORE
HON'BLE MR. JUSTICE KAKHETO SEMA**

ORDER

Date : 15-04-2025

Heard Mr. A. Zhimomi, learned counsel for the petitioner.

In the present writ petition, the petitioner has impugned the order dated 28.03.2025 passed by the Addl. District Magistrate, Office of the Deputy Commissioner, Dimapur, Nagaland. The order dated 28.03.2025 was passed on the instance of the respondent No.1 i.e Bank of Baroda, Dimapur.

The issue raised in the present petition pertains to the order dated 13.05.2023 passed by the DRT Guwahati sitting in a Lok Adalat proceeding. The order dated 13.05.2023 was passed consequent to the agreement executed between the petitioner and the respondent No. 1 i.e Bank of Baroda. It is the case of the petitioner that the petitioner has already satisfied the award passed by the Lok Adalat in the order dated 13.05.2023.

Mr. A. Zhimomi, learned counsel for the petitioner submits that once the order dated 13.05.2023 has been passed by the Lok Adalat, the DRT Guwahati becomes functus officio and has no jurisdiction to initiate any further proceeding on the subject matter of the order dated 13.05.2023. In support of his submission, the learned counsel has placed reliance in the case of **State of Punjab & Another -versus- Jalour Singh & Others**, reported in **(2008) 2 SCC 660**, **K.N. Govindan Kutty Menon -versus- C.D Shahji**, reported in **(2012) 2 SCC 51** and the judgment dated 06.08.2024 passed by the Hon'ble Division Bench of the High Court of Judicature at Patna in Civil Writ Jurisdiction Case No. 19502/2016 (**Sri. Praven Anand -versus- The Asst. General Manager, State of Bank & Anr.**)

Issue notice to the respondents returnable after 3(three) weeks.

Mr. Imti Imsong, learned Addl. Advocate General appears for the respondent No. 2 & 3 therefore, no formal notice need be issued to the State respondents. The learned counsel for the petitioner shall however serve the requisite copies of the writ petition to the learned Addl. Advocate General in the course of the day.

Insofar as the respondent No.1 is concerned, the learned counsel for the petitioner shall take steps for service of notice upon the said respondent by registered post with AD within a period of 2 days from today.

In the interim, considering the submission made by the learned counsel

for the petitioner and on perusal of the judgments referred to by the learned counsel for the petitioner and the material available on record, this Court is inclined to suspend the order dated 28.03.2025 passed by the Addl. District Magistrate, Dimapur, Office of the Deputy Commissioner, Dimapur, Nagaland till the next returnable date.

Registry shall furnish the certified true copy of this order to Mr. A. Zhimomi, learned counsel for the petitioner as well as to the learned Addl. Advocate General in the course of the day.

Sd/-

JUDGE

Comparing Assistant