

GAHC020002002026



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

Case No. : WP(C)/38/2026

SHRI MIKHA WETSA
R/O MENYITSUDA COLONY, PFUTSERO TOWN, DISTRICT PHEK, NAGALAND -
797107

VERSUS

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND,
KOHIMA, NAGALAND - 797001 2:THE COMMISSIONER
NAGALAND
KOHIMA - 797001

3:THE DEPUTY COMMISSIONER
PHEK
NAGALAND - 797108

4:ADDITIONAL DEPUTY COMMISSIONER
PFUTSERO
PHEK
NAGALAND - 797107

5:VETERINARY ASSISTANT SURGEON
OFFICE OF THE VETERINARY ASSISTANT SURGEON
VETERINARY DISPENSARY
PFUTSERO
PHEK
NAGALAND. - 79710

Advocate for the Petitioner : C. T. JAMIR, SR. ADV, O TEMJEN
JAMIR,JAWAMONG YADEN,IMTILA PONGEN,NUNGSANG AIER,KROVI
TSUKRU,TOSHI JAMIR,ASA RUTSA,ALIBA OZUKUM,I IMCHEN

Advocate for the Respondent : ,

**BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

06.04.2026

1. Heard learned Senior Counsel Mr. C. T. Jamir assisted by learned counsel Mr. I. Imchen for the petitioner Mikha Wetsa who is aggrieved by the eviction notice No. ADC-PFRO/LR-ENCR/VET/2025 dated Pfutsero, the 20th March, 2026.
2. It is submitted that the petitioner is a descendant of the family who were the rightful owners of the acquired land, but vide the above mentioned impugned notice, eviction notice has been issued against the petitioner despite the fact that he is a descendant of the rightful owners.
3. It is further contended that without compliance of Section 5 of the *Nagaland Eviction of Persons in Unauthorized Occupation of Public Land Act, 1971*, impugned order under Section 6 has been passed. It is clear from Section 6 that notice has to be issued under Section 5 and this will accord an opportunity to the land owners/descendants to be heard. This opportunity was not accorded to the petitioner.
4. An objection has also been raised when the Government tried to take over the land originally belonging to the petitioner's family but this objection was ignored and the Additional Deputy Commissioner, Pfutsero assumed the role of a Civil Court and decided the title and took over the land belonging to the petitioner's family.

5. Per contra, the learned Senior Government Advocate, Mr. N. Angami has raised serious objection stating that the petition itself is clear that the families who were the owners namely, (i) Lhshielo, (ii) Lonyichu, and (iii) Senukha, have handed over possession of their land, which is in dispute, to the Government by executing a date of release in the year 1968.
6. Annexures-B, C & D of the petition are the deeds of release which clearly reveals that the three families referred to, by the petitioner has already and willfully given their land to the Government and they have been duly compensated and after 50 years, the petitioners have raised objection.
7. Learned Senior Counsel for the petitioner has assailed this submission stating that the documents, Exhibit-B, C & D i.e., deeds of release are questionable because there are no signatures on the documents by the Authorities who have taken over the land. The dispute raised by the petitioner as the descendants of the three families, namely(i) Lhshielo, (ii) Lonyichu, and (iii) Senukha, is a civil dispute and the Additional Deputy Commissioner have no right to act as a Civil Court and decide the matter in favour of the State.
8. There was also no apprehension at that time that the land would be taken over and this is the reason why the petitioner had approached with objection when there is apprehension now, that the land would be taken over by the State.
9. I have considered the submissions at the Bar with circumspection. At this juncture, it appears that the eviction notice may be stayed, atleast till the next date of listing.
10. Thereby, the eviction notice dated 20.03.2026 (Annexure-O) is stayed till the next date of listing.

11. Meanwhile, issue notice to the respondents returnable within 4 (four) weeks.
12. List accordingly.

JUDGE

Comparing Assistant