

GAHC020007222023



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

Case No. : WP(C)/321/2023

MR. IMISENBA
S/O IMSUMEREN
R/O VILLAGE- MERANGKONG
P.O. TULI
DIST- MOKOKCHUNG-798618

VERSUS

THE UNION OF INDIA AND 9 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INBDIA, MINISTRY OF
ROAD, TRANSPORT AND HIGHWAYS, NEW DELHI-110001 2:THE
COMMISSIONER AND SECRETARY
ROAD
TRANSPORT AND HIGHWAYS DEPT.
P.O AND P.S- KOHIMA
NAGALAND

3:THE CHIEF ENGINEER
PWD (NH)
KOHIMA NAGALAND

4:THE EXECUTIVE ENGINEER
PWD NATIONAL HIGHWAY
DIVISION-II MOKOKCHUNG
P.O- MOKOKCHUNG
NAGALAND

5:THE EXECUTIVE ENGINEER
PWD (R AND B)
FEEDER ROADS DIVISION
TULI
NAGALAND
MOKOKCHUNG NAGALAND

6:THE DEPUTY COMMISSIONER
MOKOKCHUNG NAGALAND

7:THE ADDITIONAL DEPUTY COMMISSIONER
TULI
MOKOKCHUNG NAGALAND

8:THE SUB-DIVISIONAL OFFICER
O/O DEPUTY COMMISSIONER
MOKOKCHUNG NAGALAND

9:THE AGRICULTURE OFFICER
O/O SUB-DIVISIONAL AGRICULTURE OFFICER
TULI NAGALAND

10:M/S KKB PRJECTS PVT. LTD
A 408-409
CITY CENTRE
NR. RESHAM NHAVAN
LAL DARWAJA SURAT
GUJARAT-39500

Advocate for the Petitioner : T AO, GRACE I NAMGI,K
SHIJOH,ROSEMARY KIKON,IMTI CHANG,SHISA JAMIR,T.METSIEO,THEJANUO
METHA,R MERE,Y HUMTSOE,M JEMU,MOA JAMIR,T AO

Advocate for the Respondent : CGSC,

Linked Case : WP(C)/236/2023

MR. IMISENBA
S/O IMSUMEREN
R/O MERANGKONG VILLAGE
P.O. TULI
PIN-798618
MOKOKCHUNG NAGALAND

VERSUS

THE UNION OF INDIA AND 8 ORS
REPRESENTED BY THE SECRETARY
TO THE GOVT. OF INDIA
MINISTRY OF ROAD

TRANSPORT AND HIGHWAYS- NEW DELHI- 110001

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF NAGALAND
ROAD TRANSPORT AND HIGHWAYS DEPARTMENT
P.O. AND P.S. KOHIMA
KOHIMA NAGALAND

3:THE CHIEF ENGINEER
PWD (NATIONAL HIGHWAY)
KOHIMA NAGALAND

4:THE EXECUTIVE ENGINEER
PWD NATIONAL HIGHWAY DIVISION-II
MOKOKCHUNG
P.O. MOKOKCHUNG
NAGALAND

5:THE EXECUTIVE ENGINEER
PWD (R AND B)FEEDER ROADS DIVISION TULI NAGALAND
MOKOKCHUNG NAGALAND-798618

6:THE DEPUTY COMMISSIONER
MOKOKCHUNG NAGALAND

7:THE ADDITIONAL DEPUTY COMMISSIONER
TULI NAGALAND

8:THE SUB DIVISIONAL OFFICER
O/O THE DEPUTY COMMISSIONER
MOKOKCHUNG NAGALAND

9:M/S KKB PROJECT PVT. LTD
A 408-409
CITY CENTRE
NR. RESHAM BHAVAN
LAL DARWAJA
SURAT GUJARAT-395003

Advocate for : T AO
Advocate for : CGSC appearing for THE UNION OF INDIA AND 8 ORS

**BEFORE
HON'BLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

20.11.2025

Heard Mr. Moa Zamir, learned counsel for the petitioner. Also heard L.T. Sangtam, learned Additional Advocate General for the State of Nagaland. Ms. Apila Sangtam, learned counsel appears for the private respondent.

The matter pertains to the construction of a road by the private contractor under the supervising agency, i.e the PWD under the Government of Nagaland, on the basis of funds received from the respondent no.1.

The petitioner's case is that a road had been constructed over his land without being given any compensation for the land. Compensation had been given only for damages to his crops. The petitioner's further case is that no law has been applied by the State respondents for acquiring the land of the petitioner, on which the road had been constructed. The petitioner's counsel accordingly submits that the land of the petitioner should have been acquired and compensation paid under the Land Acquisition Act, 1894 (hereinafter referred to as the L.A. Act, 1894).

The learned Additional Advocate General, on the other hand submits that the land of the petitioner is within the village area of Merangkong village. Further, the Merangkong Village Council had made an Undertaking to the State respondents that no compensation would be claimed by any villager, in respect of the land within the Merangkong village, due to the construction of the

road by the State respondents. He submits that the petitioner was also a part of the villagers, who had supported the Undertaking given by the Merangkong Village Council. As such, the petitioner could not now turn around and take a stand that he should be paid compensation in terms of L.A. Act 1894.

The issue to be decided is as to whether the petitioner had authorized the Merangkong Village Council to give an undertaking on his behalf, to the effect that no land compensation would be claimed by the petitioner.

The learned Additional Advocate General submits that at the time of construction of the road on the petitioner's land, the only land acquisition law applicable in the State of Nagaland was the L.A. Act, 1894. He also submits that he would like to make an application for impleadment of the Merangkong Village Council.

Accordingly, list these matters after 2 (two) weeks.

JUDGE

Comparing Assistant