

GAHC020007422024



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

Case No. : WP(C)/283/2024

SHRI L. HAOLAI
S/O LT. THONGKHOSEI HAOLAI
H.NO. 17, VILLAGE- MOLVOM
PO/PS- MEDZIPHEMA
DIST- CHUMOUKEDIMA, NAGALAND

VERSUS

STATE OF NAGALAND AND 5 ORS
REPRESENTED BY THE CHIEF SECRETARY
GOVT. OF NAGALAND 2:THE DEPUTY COMMISSIONER
CHUMOUKEDIMA
NAGALAND

3:ADDITIONAL DEPUTY COMMISSIONER
MEDZIPHEMA
CHUMOUKEDIMA
NAGALAND

4:THE POLITICAL ASSISTANT TO THE DEPUTY COMMISSIONER
CHUMOUKEDIMA
NAGALAND

5:SHRI. VIZASHEL RHETSO
R/O VISWEMA VILLAGE
KOHIMA NAGALAND

6:SHRI. KENEIKRUL KOSO
R/O VISWEMA VILLAGE
KOHIMA NAGALAN

Advocate for the Petitioner : P. B. PAUL, H. ZHIMOMI, MEDO
VERO, PFOSEKHO PFOTTE, CHUBANUNGKUM, HETOKA

Advocate for the Respondent : GOVT ADV NL,

**BEFORE
HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 18.11.2024

Heard Mr. Pfosekho Pfotte, learned counsel appearing for the petitioner as well as Mr. Moa Imchen, learned Senior Government Advocate, Nagaland appearing for the respondent Nos. 1, 2, 3 and 4.

Issue notice to the respondent Nos. 5 and 6.

The petitioner is directed to take steps for service of notice upon the respondent Nos. 5 and 6 by registered post with A/D.

This application under Article 226 of the Constitution of India revolves around the question as to whether the Additional Deputy Commissioner or the District Judge is entitled to hear the appeal against the judgment passed by the DB's Court. A Co-ordinate Bench of this Court in Civil Revision Petition No. 5/2020 has directed that the matter should be placed before the Honourable Chief Justice for constituting a larger Bench to decide this issue.

The learned Senior Government Advocate has submitted that there are some other writ petitions on the same issue and the present writ petition should be clubbed together with the other similar writ petitions.

The learned counsel for the petitioner has agreed to the proposal made by the learned Senior Government Advocate, Nagaland.

Accordingly, the Registry is directed to list this writ petition alongwith other similar writ petitions pending before a Division Bench of this court.

The learned counsel for the petitioner submits that till the issue is decided by a Division Bench of this court, the property of the petitioner needs to be protected.

After hearing the learned counsel of both sides, the prayer of the learned

Senior Government Advocate, Nagaland is allowed.

It is hereby directed that the order dated 29.10.2024 passed by the DB's Court, Medziphema Joint Court with the Political Assistance to DC Court, Office of the Additional Deputy Commissioner, Chumoukedima, Nagaland in Case No. 70/2022-2024 shall remain stayed until further order (s).

Sd/-

JUDGE

Comparing Assistant