

GAHC030001022024



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

Case No. : WP(C)/5/2024

Smt. Biakkungi and Anr.
D/o Thanga (L)
R/o Tukhuahtlang, Aizawl, Mizoram2: Smt. Saitluangpuii
C/o R Unionthanga

R/o Chanmari
Aizawl
Mizora

VERSUS

State of Mizoram and 4 Ors.
r/b the Chief Secretary to the Govt. of Mizoram, Mizoram New Capital Complex
(MINECO), Khatla, Aizawl, PIN - 796001 2:Secretary to the Govt. of Mizoram
Land Revenue and Settlement Dept.
Mizoram New Capital Complex (MINECO)
Khatla
Aizawl
PIN - 796001

3:Director
Land Revenue and Settlement Dept.
Govt. of Mizoram
Khatla
Aizawl
PIN - 796001

4:Smt. B. Sangkhumi
W/o Tamhluna Khiantge (L)
R/o Dingdi Veng
Chaltlang
Aizawl

5:Smt. Lianchhungi

R/o Bawngkawn Chhimveng
Bawngkawn
Aizaw

Advocate for the Petitioner : Mr J C Lalnunsanga

Advocate for the Respondent : Addl. AG/GA, Mizoram for R1 - 3

ORDER

BEFORE

HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

22.02.2024

Heard Mr. J.C. Lalnunsanga, learned counsel for the petitioners, who submits that the impugned Order dated 06.09.2023 issued by the Commissioner & Secretary to the Government of Mizoram, Land Revenue & Settlement Department and the Order dated 20.09.2023 issued by the Director, Land Revenue & Settlement Department, whereby the LSC No. 204/1989 in the name of the petitioner No. 1 and LSC No. 203/1989 in the name of the petitioner No. 2 had been cancelled should be set aside, inasmuch as, no notice was issued prior to the impugned Orders being issued.

The learned counsel for the petitioners submits that vide the impugned Orders, the State respondents have validated VC Pass No. 28/1970, which had been a matter of dispute in Civil Suit No. 70/2015 and Civil Suit No. 70/2017.

The petitioners' case is that the petitioners are the owners of land covered by LSC No. 204/1989 and LSC No. 203/1989. However, due to the respondent No. 4 having claimed the land covered by the above 2 LSCs as her own, on the basis of VC Pass No. 28/1970, the respondent No. 4 filed Civil Suit No. 70/2015

in the Court of Senior Civil Judge, Aizawl. The said Civil Suit No. 70/2015 was withdrawn, with liberty to file afresh, vide Order dated 02.02.2016. Thereafter, the respondent No. 4 filed Civil Suit No. 70/2017 on the same issue, which was also withdrawn with liberty to file afresh, vide Order dated 01.03.2021.

The petitioners' counsel submits that while there was a dispute with regard to ownership of the land covered by the 2 LSCs and the VC Pass No. 28/1970 being unresolved even till date, the State respondents could not have issued the impugned Orders, without giving an opportunity of hearing to the petitioners.

The petitioners' counsel submits that subsequent to the impugned Orders being issued, the respondent No. 5 has filed Eviction Suit No. 16/2023 in the Court of Civil Judge (Junior Division)-II, Aizawl.

Issue notice, returnable in 4 (four) weeks.

Mrs. Mary L. Khiangte, learned Government Advocate accepts notice on behalf of the respondent Nos. 1 to 3.

Petitioners to take steps for service of notice upon the respondent Nos. 4 & 5 within 2 (two) days.

In addition to the above, the petitioners shall also serve notice upon the respondent Nos. 4 & 5 by Dasti service and file affidavit of service thereafter.

List the matter **after 4 (four) weeks.**

Status quo as on today shall be maintained till the next date.

JUDGE

Comparing Assistant