

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, Mizoram

2: Smt. Saitluangpui

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.

3:Director
Land Revenue and Settlement Dept.
Govt. of Mizoram

4:Smt. B. Sangkhumi

5:Smt. Lianchhung

Advocate for the Petitioner : Mr J C Lalnunsanga

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

BEFORE
HON'BLE MRS. JUSTICE MARLI VANKUNG
ORDER

26.02.2026

Heard Mr. J.C. Lalnunsanga, learned counsel for the petitioner. Also heard Ms. Lalnunhlui, learned Govt. Advocate for the State respondent Nos. 1 – 3 and Mr. Jordan Rohmingthanga, learned counsel for private respondent No. 5.

2. The instant writ petition is filed assailing the Order dated 06.09.2023 passed by the Commissioner & Secretary to the Government of Mizoram and 20.09.2023 issued by the Director Land Revenue & Settlement Department wherein the LSC No. 204/1989 in the name of the petitioner No. 1 and LSC No. 203/1989 in the name of petitioner No. 2 had been cancelled without giving any notice or prior information to the petitioners.

3. The learned counsel for the petitioner submits that the instant case is covered by the decision of a Co-ordinate bench of this Court ***Lalzidinga Ralte & Ors. Vs. State of Mizoram reported in (2008) 5 GAUHATI LAW REPORTS 717*** wherein the Court had disposed of the writ petition, by observing that the cancellation of the LSCs without giving an opportunity of being heard to the petitioners is a violation of principles of natural justice and that such an order cannot be sustained legally. The learned counsel submits that a similar order may be passed directing the respondent authorities to take an appropriate decision in respect of the LSCs after giving a reasonable opportunity to the writ petitioners of being heard.

4. The learned Govt. Advocate for the State respondent Nos. 1 – 3 in

response to the order of this Court dated 12.02.2026, wherein it was directed to produce the relevant file in which the impugned order has been passed by the respondent authorities, has produced the letter dated 22.05.2023, which is a letter wherein the respondent No. 5 had complained of an encroachment upon her landed property. The learned Govt. Advocate has also produced a letter dated 22.06.2023 which is a letter addressed to the Director, Land Revenue & Settlement Department by the Under Secretary, Land Revenue & Settlement Department to verify the complaint.

The learned Govt. Advocate in all fairness submits that, it appears from the file/documents on record, that the Writ Petitioners were not given an opportunity of being heard and that no show cause notice appeared to be issued to them.

5. Mr. Jordan Rohmingthanga, learned counsel for private respondent No. 5, in all fairness also submits that the instant writ petition is squarely covered by the cited case and that a similar order may be passed.

6. Having considered the submissions of both the parties, this Court is of the considered view that since the petitioners were not given an opportunity of being heard when the impugned letters dated 06.09.2023 and 20.09.2023 were issued, cancelling the LSC No. 204/1989 and LSC No. 203/1989, this Court finds that the instant case is squarely covered by the cited case in ***Lalzidinga Ralte & Ors. Vs. State of Mizoram (supra)***.

7. Accordingly, this Court find it appropriate to set aside the impugned Orders dated 06.09.2023 and 20.09.2023 and thereafter, the respondent

authorities will be at liberty to take necessary steps in respect of the mentioned LSCs No. 203 & 204 of 1989 as per law, by affording the petitioners an opportunity to be heard, following the due process of law.

8. Accordingly, WP(C) No. 5/2024 stands allowed and disposed of, as above.

JUDGE

Comparing Assistant