

GAHC030002122024



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

Case No. : Cont.Cas(C)/5/2024

Rinzuala and 68 Ors.

S/o Khetrojoy, R/o Rajtali, Kolasib District 2: Sh Lalengkimttheia

S/o Thansiamama

R/o Rajtali

Kolasib District

3: Lungmuana

S/o Thansiamama

R/o Rajtali

Kolasib District

4: Lallungliani

D/o Thansiamama

R/o Rajtali

Kolasib District

5: Vanlalhlana

S/o Ramsadu

R/o Rajtali

Kolasib District

6: Thiamchawngi

D/o Thangpuii

R/o Rajtali

Kolasib District

7: Ononjoy

S/o Ramsadi

R/o Rajtali

Kolasib District

8: Nil Bahadur

S/o Ronjon

R/o Rajtali

Kolasib District

9: Ramba
S/o Bancharaj
R/o Rajtali
Kolasib District

10: Ramzauva
S/o Birmohan
R/o Rajtali
Kolasib District

11: Daia
S/o Luaicha
R/o Rajtali
Kolasib District

12: Nobiram
S/o Dosanga
R/o Rajtali
Kolasib District

13: Lalchawimawia
S/o Tlangsan Hmar
R/o Rajtali
Kolasib District

14: Kapmawia
S/o Bijoy
R/o Rajtali
Kolasib District

15: Tlangsan Hmar
S/o Zathuama
R/o Rajtali
Kolasib District

16: Tlangsan Hmar
C/o Lalruata
R/o Rajtali
Kolasib District

17: Rinchhana
S/o Samsadu
R/o Rajtali
Kolasib District

18: Vuana

S/o Buaikhonto
R/o Rajtali
Kolasib District

19: Manjarung
S/o Monchoring
R/o Rajtali
Kolasib District

20: Satirai
S/o Bijoy
R/o Rajtali
Kolasib District

21: Lawmkima
S/o Horena
R/o Rajtali
Kolasib District

22: Lawmkima
S/o Herondo
R/o Rajtali
Kolasib District

23: Zorinkima
S/o Khetrojoy
R/o Rajtali
Kolasib District

24: Dula
S/o Durachha
R/o Rajtali
Kolasib District

25: Mohindro
S/o Sobiram
R/o Rajtali
Kolasib District

26: Mohindro
C/o P.L.Zohmingliana
S/o Spbiram
R/o Rajtali
Kolasib District

27: Dosanga
S/o Bijoy
R/o Rajtali

Kolasib District

28: Nokorai
C/o Zodinsanga
S/o Khetrojoy
R/o Rajtali
Kolasib District

29: Rammawia
S/o Robia
R/o Rajtali
Kolasib District

30: Dobola
S/o Mirtojoy
R/o Rajtali
Kolasib District

31: Budasingh
S/o Kornojoy
R/o Rajtali
Kolasib District

32: Nokurai
S/o Khetrojoy
R/o Rajtali
Kolasib District

33: Taiduha
S/o Daruka
R/o Rajtali
Kolasib District

34: Lalengkima
S/o Masarai
R/o Rajtali
Kolasib District

35: Nasarung
S/o Nisia
R/o Rajtali
Kolasib District

36: Joela
C/o Vanlalruata
S/o Saduhai
R/o Rajtali
Kolasib District

37: Muanpuia
S/o Monia
R/o Rajtali
Kolasib District

38: Ropuia
S/o Zangula
R/o Rajtali
Kolasib District

39: Nisia
S/o Bisarai
R/o Rajtali
Kolasib District

40: Ramliana
S/o Golduram
R/o Rajtali
Kolasib District

41: Mungoti
S/o Jujendro
R/o Rajtali
Kolasib District

42: Melkoram
S/o Dorchoram
R/o Rajtali
Kolasib District

43: Boikhanto
S/o Monba
R/o Rajtali
Kolasib District

44: Linjorai
S/o Keson
R/o Rajtali
Kolasib District

45: Chandiram
S/o Dohoram
R/o Rajtali
Kolasib District

46: Chotoino
S/o Baronjoy

R/o Rajtali
Kolasib District

47: Chotoino
S/o Matingi
R/o Rajtali
Kolasib District

48: Burdirram
S/o Norendro
R/o Rajtali
Kolasib District

49: Nadurai
S/o Bijoy
R/o Rajtali
Kolasib District

50: Subidra
S/o Horendro
R/o Rajtali
Kolasib District

51: Rangnangti
S/o Raimona
R/o Rajtali
Kolasib District

52: Jobinti
C/o Biakhluni
Kolasib
Mizoram

53: Manui
D/o Ronjona
R/o Rajtali
Kolasib District

54: Lalmangaiha
S/o Dappharai
R/o Rajtali
Kolasib District

55: Dilcham
S/o Kesoh
R/o Rajtali
Kolasib District

56: Nironjon
S/o Ramzauva
Hortoki
Kolasib District

57: Lalfakzuala
C/o Raimona
R/o Rajtali
Kolasib District

58: Zothanpuui
W/o Ngurchhuanmawia
R/o Kolasib
Mizoram

59: Ngurchhuanmawia
S/o S.K.Sanga
Kolasib
Mizoram

60: Vanlalhruii
C/o Zothanga
Kolasib
Mizoram

61: Lalduhveli
D/o S.K.Sanga
R/o Kolasib
Mizoram

62: S.K.Sanga
S/o L.T.Zauva
Kolasib

63: Lalhmingliana
S/o S.K.Sanga
R/o Kolasib

64: Lalzawmliana
S/o Rengzika
R/o Hortoki

65: Liporjoy
C/o Remthangi
R/o Rajdali
Kolasib District
Mizoram

66: Kholoti
C/o Tlanmawii
Kolasib
Mizoram

67: Lalngilneia
S/o Goikoram
R/o Rajdali
Kolasib District
Mizoram

68: Chotoino
S/o Boronjoy
R/o Rajdali
Kolasib District
Mizoram

69: Lalfakzuala
S/o Lungsenham
R/o Rajdali
Kolasib District
Mizora

VERSUS

Smt Aruna Nayar and 6 Ors.
IRPS, Secretary, Railway Board, Ministry of Railways, Govt. of India, Room No.227,
Rail Bhavan, 1, Raisina Road, New Delhi-110001 2:Sh Satish Kumar Pandey
General Manager /Construction Northeast Frontier Railway
Maligaon
Guwahati - 781011

3:Sh P.K.Kshatriya
Chief Administrative Officer / Construction-II
Northeast Frontier Railway
Maligaon
Guwahati - 781011

4:Sh Vinod Kumar
Chief Engineer / Construction-2
Northeast Frontier Railway
Maligaon
Guwahati - 781011

5:Sh Dinesh Kumar
Deputy Chief Engineer / Construction / Bhairabi
Northeast Frontier Railway
Tarapur

Silchar
Assam - 78800

Advocate for the Petitioner : Mr. Jonathan L Sailo

Advocate for the Respondent : Mr Haresh Gupta

ORDER

BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

22.09.2025

Heard Mr. Jonathan L. Sailo, learned counsel appearing for the petitioners.
Also heard Mr. Haresh Gupta, learned counsel appearing for respondent No. 4.

By the order dated 07.08.2025, it was noticed that the affidavit-in-opposition filed on behalf of respondent No. 4 was wrongly nomenclatured as to have been filed by the respondent No. 7 and the learned counsel for respondent No. 4 was required to make necessary correction in the cause title of the affidavit-in-opposition filed before the Court.

However, as the learned counsel for respondent No. 4 was not in a position to attend the Court proceedings physically prior to today, the said correction has not been carried out, for which the learned counsel for the petitioners has submitted his apologies and prays for some further time to do the necessary correction.

Prayer is allowed.

One week time is allowed to have the necessary correction effectuated.

The learned counsel for the petitioners has referred to the order dated 15.05.2023 to submit that the District Collector, Kolasib, has already examined the claim of the petitioners for payment of interest under Section 28 of the Land Acquisition Act and has forwarded the assessment so made to the respondents in the N.F. Railway for payment of the enhancement amount. He has also pointed out that by letter dated 26.03.2023, the Deputy CE/CON/BHRB, N.F. Railway had requested for certain clarifications/corrections and the office of the District Collector, Kolasib District had clarified to the Deputy Chief Engineer, Bairabi N.F. Railway that the assessment made in respect of WP(C) No. 47/2023 and the interest under Section 34 of the LA Act in the case of Zothanpuui & 81 others are separate cases which are under different provisions under the said LA Act. A request had been made to deposit a total assessed amount of interest compensation in favour of the petitioners to the DC, Kolasib within six (6) weeks from the date of assessment for disbursal to the petitioners.

Mr. H. Gupta, learned counsel appearing for respondent No. 4 has referred to the affidavit filed on 21.08.2025 to inform this Court that the respondents have assailed an order dated 27.07.2023 passed in WP(C) No. 68 of 2023, wherein this Court had held that the case of the writ petitioner in WP(C) No. 68 of 2023 was not a case that the single individual has been given an assessment for the same plot of land in two places. This Court in that case had held that in view of the provisions under Section 28 and 34 of the LA Act, there can be no question of adjustment to the amount awarded

under Section 34 of the LA Act as contended by the petitioners. The petitioners in that case was the Union of India through the N.F. Railway.

Mr. Gupta, learned counsel for respondent No. 4 has drawn our attention to the orders passed in WA No. 8/2024, wherein the Division Bench of this Court has stayed the operation of the impugned order passed by the learned Single Judge on 27.07.2023, in WP(C) No. 68/2023. The learned counsel for the respondent No. 4 has sought to emphasize that the subject matter in that Intra Court Appeal i.e. WA No. 8/2024 is similar to that of the writ petition which was preferred by the petitioners herein and therefore, this Court may keep in abeyance the present contempt proceedings during pendency of the writ appeal. He has also submitted that the Railways have preferred a writ appeal against the orders dated 15.05.2023 passed by this Court in WP(C) No. 47/2023 and the delay in filing the writ appeal is under consideration of the Division Bench in I.A(Civil) No. 54/2025. The learned counsel for respondent No. 4 further informs the Court, on a pointed query, that there is no stay order operating against the order dated 15.05.2023 passed in WP(C) No. 47/2023.

We have noticed that the respondent authorities in their communication dated 26.06.2023 did not raise any such ground as sought to be raised by them now, and in fact, by the letter dated 24.07.2023, they were informed by the District Collector, Kolasib District that the subject matters in the two (2) writ petitions were different. However, the respondent authorities did not take up any process after receipt of the order dated 24.07.2023 and it is at this distant point of time that submission is made that the writ appeal has been

preferred. It is also a matter of record that although Mr. Gupta, learned counsel for respondent No. 4 submits that the claim of the petitioners have been assessed under Section 34 of the LA Act, the learned counsel for the petitioners has asserted that even payment of compensation under the said section, which was never in dispute in the parent writ petition, has not been made till date.

In view of all the above, this Court is of the prima facie view that respondent No. 4 has attempted to take advantage of a writ appeal belatedly filed to justify the non-compliance. He has however not stated as to what course of action was undertaken after the time period when the letter dated 24.07.2023 was received in his office.

Since the writ appeal has been preferred, where the issue of condonation of delay is being considered and the counsel for the petitioners in this contempt petition has also entered appearance, this Court defers the present contempt petition by a period of three (3) weeks.

In the meantime, the correction of nomenclature of the respondent No. 4 wrongly typed as respondent No. 7 in the affidavit filed on 21.03.2025 shall be carried out by the learned counsel appearing for the respondent. The respondent No. 4 would be at liberty to file an additional affidavit explaining as to what steps were taken by him after receipt of the order dated 24.07.2023 till the date of filing of the writ appeal alongwith the application for condonation of delay in order to enable this Court to assess whether the respondent No. 4 had made sincere attempts to comply with the directions given by this Court.

List the matter on **16.10.2025**.

JUDGE

Comparing Assistant