

GAHC030002422023



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

Case No. : WP(C)/48/2023

Sh H. Lalthazova
Saron Veng
Aizawl, Mizoram

VERSUS

The State of Mizoram and 5 Ors
Chief Secretary to the Govt of Mizoram Aizawl 2:The Secretray to the Govt of
Mizoram Land Revenue and Settlement Department
Aizawl
Mizoram

3:The Secretary to the Govt of Mizoram School Education Department
Aizawl
Mizoram

4:The Director Land Revenue and Settlement Department Govt of Mizoram
Aizawl
Mizoram

5:The Director School Education Department Govt of Mizoram
Aizawl
Mizoram

6:The Headmaster Sarawn Veng Primary School
Sarawn Veng
Aizawl

Advocate for the Petitioner : Mr Vanlalnghaka

Advocate for the Respondent : Addl. AG/GA, Mizoram for R1 - 6

B E F O R E
HON'BLE MR. JUSTICE NELSON SAILO
ORDER

16.05.2023

Heard Mr. Vanlalnghaka, learned counsel for the petitioner who submits that this is the second time the petitioner is before this Court.

The learned counsel submits that the petitioner purchased a certain plot of land covered by LSC No. 303 of 1973 from the previous owner. The immediate neighbor of the petitioner apart from others is the Saron Veng, Lower Primary School. Due to the construction of wall by the School, the gap between the petitioner's building and the School wall is just 2.4 ft and which has caused great difficulty to the petitioner as the passage in and out of his property has been narrowed down.

The petitioner therefore, submitted a complaint before the Revenue authorities and the Revenue authorities detailed a Surveyor to have a spot verification. Spot verification was thereafter conducted and as per the report by the Surveyor dated 18.07.2005, he recommended that the protruding part of the school building should be shifted back without demolishing the pillar of the school building, so that the petitioner can have easy access to his property. In terms of the report, the Director, Land Revenue & Settlement Department issued an Order dated 30.05.2017 directing the demolition of 16 meters long and 1.80 meter wide brick wall of the primary school, within 30 days. However, the said order was withdrawn vide Order dated 14.03.2018.

Aggrieved, the petitioner filed WP(C) No. 70/2018. The writ petition was disposed of vide Order dated 09.04.2019 by setting aside the Order dated 14.03.2018, as no opportunity of hearing was granted to the petitioner prior to issuance of the same. The respondents were also given liberty to take a fresh decision in the matter after issuing notice to the petitioner with regard to the dispute between the parties. As no steps have been taken thereafter, the petitioner is again before this Court through the instant writ petition, seeking a direction for compliance of the Order dated 30.05.2017 passed by the Director, Land Revenue & Settlement Department.

In view of above, issue notice of motion returnable by 4 weeks.

Mrs. H. Lalmalsawmi, learned Government Advocate accepts notice on behalf of all the respondents. Notice is therefore complete on the respondents. Petitioner to supply extra requisite copies of the writ petition to the learned Government Advocate, if not already done.

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

JUDGE

Comparing Assistant