



GAHC030004222019



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

Case No. : Cont.Cas(C)/16/2019

S Makhu and 22 Ors.

S/o S.Helei, R/o Zawngling, Saiha District, 2: C Beibiahneisa
Zawngling
Saiha District

3: L C Luabei
Zawngling
Saiha District

4: J Pathaisa
Zawngling
Saiha Distric

VERSUS

Lalnunmawia Chuaungo and 6 Ors.

Chief Secretary to Govt of Mizoram, Aizawl
Chief Secretary to Govt of Mizoram
Aizawl

2:Bhupesh Chaudhury

3:Brig. Birender Singh
Chief Engineer
Project Pushpak
C/o 99 APO

4:MN Ansari
Executive Engineer
Officer Commanding 71 RCC
BRTF
C/o 99 APO

5:P Sama
Executive Engineer
MADC



Slaha

6:N Pachhunga
Senior Revenue Officer
Land Revenue and Settlement Department
MADC
Siaha Distric

Advocate for the Petitioner : Mr. Lalfakawma

Advocate for the Respondent : Ms. Mary Lalruatkimi Kiangte for R2

Linked Case : I.A.(Civil)/141/2019

Makhu and 22 Ors.
aizawl

VERSUS

Lalnunmawia Chuaungo and 5 Ors.
Aizawl

Advocate for the Petitioner : MR Lalfakawma
Advocate for the Respondent : Mary Lalruatkimi Kiangte

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

O R D E R

Date : 25.08.2021

The proceeding is conducted via remote video conference.

The parties are represented by their respective counsels.

At the outset, Mr. Rosangzuala Ralte, learned counsel for the petitioners has produced



a copy of the hearing proceedings conducted by the Deputy Commissioner, Siaha on

09.06.2021. The same may be abstracted as hereunder :

“HEARING PROCEEDING

Time : 9th June, 2021 @ 11:00 am

Venue : DC Min' Conference Room.

Hearing was conducted under the chairmanship of Deputy Commissioner, Siaha, for determining genuineness of land passes of the petitioners in respect of following court cases (List of petitioners appended):

- 1. W.P.(C) No. 183 of 2019 (Sh. C. Hetha & 16 Others)*
- 2. W.P.(C) No. 184 of 2019 (Sh. B. Chhasa & 23 Others)*
- 3. W.P.(C) No. 185 of 2019 (Sh. C. Viatha & 37 Others)*
- 4. W.P.(C) No. 186 of 2019 (Sh. K. Chhualai & 51 Others)*
- 5. W.P.(C) No. 27 of 2021 (Sh. LC Beicho & 18 Others)*

The following parties attended the meeting:

- 1. Pu N Khumtira, Survey Officer, Representative of LR & S Department, MADC*
- 2. Pu Dharam Vir Singh, Asst Engineer, OiC Siatlai TLL Road, Representative of BRTF.*
- 3. Representatives of land owners/petitioners*
 - i) Pu L Beithlalo for W.P.(C) No. 183 of 2019 (C Hetha & 16 Ors)*
 - ii) Pu Chhasa for W.P.(C) No. 184 of 2019 (B.Chhasa & 23 Ors)*
 - iii) Pu C Vabeizi for W.P.(C) No. 185 of 2019 (C Viatha & 37 Ors)*
 - iv) Pu K Chhualai for W.P.(C) No. 186 of 2019 (K Chhualai & 57 Ors)*
 - v) Pu LC Beicho } for W.P.(C) No.27 of*
 - vi) Pu V Halua } 2021 (LC Beicho & Ors*
 - vii) Pu Pahnei }*

The petitioners produced their original land passes during the hearing. Since, there is no official record maintained by the land pass issuing authority, the genuineness of the pass could not be ascertained.



But, the Land Revenue & Settlement Department, MADC, represented by Mr N Khumtira has stated that these passes are genuine.

The Joint Verification Team has inspected the land from 1st – 7th February, 2021 and on 18th May, 2021 and agreed that the road was constructed over the land of the petitioners.

Hence, the verification report may be sent to BRTF and Secretary, Land Revenue & Settlement Department and the BRTF may decide whether they want to vacate the petitioners' lands on which the road was constructed or acquire the land.

If BRTF decides to acquire the land, they shall request for acquisition of the lands of the petitioners under Right to Fair Compensation and Transparency of Land Acquisition Act, 2013.

Sd/- (KESAVAN R, IAS)

Deputy Commissioner

Siaha District, Siaha

Memo No.D.11062/24/2021-DC(S) : Siaha, the 11th June, 2021

Copy to :-

- 1. Secretary to Govt. of Mizoram, Land Revenue & Settlement Dept. Aizawl.*
- 2. Parties concerned.*

Sd/- Deputy Commissioner

Siaha District, Siaha"

The learned counsel submits that from the hearing proceeding abstracted above, the MADC has accepted the land passes of the petitioners as genuine and that the present petitioners are similarly placed. Therefore there can be no impediment on the part of the Dy. Commissioner to make an assessment of compensation payable to the petitioners in terms of the direction of this Court passed in the connected writ petition.

Ms. Mary L. Khiangte, learned Govt. Advocate appears for the respondent No. 2 and she submits that she has no instructions about the hearing proceedings which was conducted on 09.06.2021. She therefore prays that she may be given some time to obtain instructions in the matter. She also submits that the present Deputy Commissioner is Mr. Kesavan R and that he is not a party to the present contempt petition. On the oral prayer of Mr. Rosangzuala



Ralte, learned counsel for the petitioners Mr. Kesavan R, Deputy Commissioner, Siaha District is hereby impleaded as respondent No.8. Office to make necessary correction in the Cause title.

Issue notice to the newly impleaded, returnable by 3 (three) weeks.

Petitioners to take steps for service of notice upon the newly impleaded respondent by registered post with A/D due.

List the matter again **after 3 (three) weeks.**

By the next date, Ms. Mary L. Khiangte, learned Govt. Advocate should be ready with instruction from the Deputy Commissioner, Siaha.

JUDGE

Comparing Assistant