



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 7 Ors.
Chief Secretary to Govt of Mizoram, Aizawl

2:Bhupesh Chaudhury
Chief Secretary to Govt of Mizoram
Aizawl

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 and R8

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

**ORDER**

Date : 07.10.2021

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

Parties are represented by their respective counsels. Vide Order dated 21.09.2021, Ms. Mary L. Khiangte, learned Government Advocate appearing for the Deputy Commissioner, Siaha i.e. Mr. Kesavan R was directed to obtain instructions about the steps taken pursuant to the hearing proceeding conducted on 09.06.2021 in respect of of WP(C) Nos. 183, 184, 185, 186/2019 and WP(C) No. 27/2021 by filing an additional affidavit on or before 7th October, 2021. The Deputy Commissioner has not filed an affidavit as directed. Ms. Mary L. Khiangte has produced Communication dated 4th October, 2021 written by the Deputy Commissioner to the Officer Commanding, 71 RCC, BRTF, Lawngtlai asking the said authority to consider as to whether they would like to acquire the land of the petitioners or to vacate the same in terms of this Court's order. It is seen that the enclosures to the Letter dated 4th October, 2021 are not legible and therefore this Court is unable to appreciate the contents. Ms. Mary L. Khiangte, learned Government Advocate has also produced Communication dated 05.10.2021 written to her by the Deputy Commissioner, Siaha stating that the report of the Deputy Commissioner has been sent to the BRTF for deciding the acquisition. There are some enclosures to the said communication but again, the same are not legible and therefore this Court are unable to appreciate the contents. Be that as it may, the direction of this Court on 21.09.2021 was that the Deputy Commissioner, Siaha should file an additional affidavit indicating the steps taken pursuant to the hearing proceeding conducted on 09.06.2021. Such being the case, one more opportunity is granted the Deputy Commissioner, Siaha to comply with the Order dated 21.09.2021, failing which he shall personally appear before this Court to answer to the queries of this Court.

Let the affidavit be filed on or before 22nd of October, 2021 with a copy given to the parties concerned, in advance.

It is further provided herein that since the Deputy Commissioner, Siaha has written to the Officer Commanding, 71 RCC, BRTF, Lawngtlai on 4th October, 2021 informing the said



authority to take a decision on the acquisition of the land of the petitioners, Ms. Zairemsangpuii, learned CGC shall obtain instructions in the matter and inform the Court about the steps taken by the said authority.

List the matter again on 27.10.2021.

JUDGE

Comparing Assistant