



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 Zawnling, Saiha District,

2: C Beibiahneisa
Zawnling
Saiha District

3: L C Luabei
Zawnling
Saiha District

4: J Pathaisa
Zawnling
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
Siaha

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 & 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 : 10.11.2021

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

Parties are represented by their respective counsels. It is seen that the respondent No. 8 has filed an additional affidavit stating that the matter has been forwarded to the BRTF authorities for them to decide whether to acquire the land or not. Ms. Zairemsangpuii,



learned CGC submits that as per the instructions received by her, since the genuineness of the Pass of the land owners could not be ascertained, the BRTF authorities are not in a position to decide on the acquisition of land.

While such is the position, the learned counsel for the petitioners submits that the District Collector, Siaha has been making contradictory stand, inasmuch as, at the time of verification, the land Pass were found to be genuine but later on, while writing to the BRTF authorities he has stated that the genuineness of the land Pass could not be ascertained. Similarly, there is also contradiction of the finding about the damages caused to the land of the petitioners. The learned counsel for the petitioners submits that permission may be granted to file an additional affidavit bring on record the contradictory stand taken by the Deputy Commissioner.

Considering the above submissions, 10 (ten) days time is granted to the petitioners to file an additional affidavit as prayed for. The learned CGC shall also file an additional affidavit incorporating instructions she has received.

List the matter again on **29.11.2021**.

JUDGE

Comparing Assistant