



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 10 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



Siaha

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

7:Sh.MANV Prasad
Chief Engineer
Project Pushpak

8:Sh H.Lalsangliana
Deputy Commissioner
Siaha District
Siaha

9:Sh.S.P.Kolihey
Chief Engineer
Project Pushpak

10:Sh.Lalhmunsa Hnamte
Deputy Commissioner
Siaha District
Siaha

11:Sh V.L.Hruaizela Khiangte
Deputy Commissioner
Siaha District
Siaha
Mizora

Advocate for the Petitioner : Mr. Lalfakawma

Advocate for the Respondent : Ms. Mary Lalruatkimi Khiangte

Linked Case : Cont.Cas(C)/22/2021

C. Hetha and 16 Ors.
S/o C. Pathaw
R/o Tipa V

2: K. Rahmo



R/o Tipa

3: NK Hlychho
Tipa V

4: VT Beirahia
Zyhno/ Zawngling

5: Lalnunthangi
Siaha
VERSUS

Subhash Sharma
Secretary
Border Roads Development Board (BRDB) and 9 Ors.
Sena Bhavan B Wing

2:PN Yadav
The Chief Engineer
Border Road Task Force (BRTF)
Project Pushpak GREF
C/o 99 APO
Project Pushpak GREF
C/o 99 APO

3:R. Zarzosanga
Secretary to the Govt of Mizoram
Land Revenue and Settlement Department
Aizawl

4:Kesavan R.
The Deputy Commissioner
Siaha District
Siaha

5:Pheiki Solo
Senior Revenue Officer
Mara Autonomous District Council
Siaha

6:Sh Lalsangliana
Deputy Commissioner
Siaha District

7:Sh SP Kolihey
Chief Engineer
BRTF
Project Pushpak



REF

8:Sh Lalhmunsanga Hnamte
Deputy Commissioner
Siaha District
Siaha

9:Smt Mazee Khaila
Senior Revenue Officer
Mara Autonomous District Council
Siaha District
Mizoram

10:Sh VL Hruaizela Kiangte
Deputy Commissioner
Siaha District
Mizoram

Advocate for the Petitioner : Ms Dinari T Azyu
Advocate for the Respondent : Ms Zairemsangpuii

Linked Case : Cont.Cas(C)/31/2019

Abednago and 16 Ors.
Tuipang
Mizoram

2: F Lalhmunsanga
Tuipang
Mizoram

3: TT Vasti
Tuipang
Mizoram

4: Hezi
Tuipang
Mizoram

5: Lawche
Tuipang
Mizoram
VERSUS

Subhash Sharma and 13 Ors.
Sena Bhawan B Wing



New Delhi

2:Manv Prasad
The Chief Engineer
BRTF
Project Pushpak GREF
c/o 99 APO

3:R Lalramnghaka
Secretary to the Government of Mizora
Land Revenue and Settlement Department
Aizawl

4:Bhupesh Chaudhury
The Deputy Commissioner
Siaha District
Siaha-796901

5:N Pachhunga
Senior Revenue Officer
Mara Autonomous District Council
Siaha-796901

6:Sh P.N. Yadav
Chief Engineer
BRTF
Project Pushpak GREF

7:Sh R Zarzosanga
Secretary
Land Revenue and Settlement
Govt. of Mizoram

8:Sh Kesavan R
Deputy Commissioner
Siaha District

9:Sh lalsangliana
Deputy Commissioner
Siaha District

10:Sh Pheiki Solo
Sr. Revenue Officer
MADC
Siaha

11:Sh S.P. Kolipty
Chief Engineer



BRTF
Project Pushpak GREF

12:Sh Lalhmunsanga hnamte
Deputy Commissioner
Siaha District

13:Smt Nazee Khaila
Senior Revenue Officer
Mara Autonomous Districct Council
Siaha District
Miaoram

14:Sh V.L.Hruaizela Khiangte
Deputy Commissioner
Siaha District
Mizoram

Advocate for the Petitioner : Mrs Dinari T Azyu
Advocate for the Respondent : Ms. Mary Lalruatkimi Khiangte (Addl.AG/G.A.
Mizoram) for R4
R7

Linked Case : Cont.Cas(C)/23/2021

C. Viatha and 37 Ors.
Tipa V
Siaha District
Mizoram

2: Atu Chozah
Tipa D
Siaha District
Mizoram

3: Beihu Nohro
Tipa D
Siaha District
Mizoram

4: S. Rahl
Tipa V
Siaha District
Mizoram



5: C Vepaw
Zyhno
Siaha District
Mizoram

6: S. Ngodei
Tipa V
Siaha District
Mizoram
VERSUS

Subhash Sharma
Secretary
Border Roads Development Board (BRDB) and 9 Ors.
SenaBhavan B Wing
New Delhi

2:Sh. P. N. Yadav
The Chief Engineer
Border Road Task Force (BRTF)
Project Pushpak
Project Pushpak GREF
C/o 99 APO

3:Sh. R. Zarzosanga
Secretary to the Govt. of Mizoram
Land Revenue and Settlement Department
Aizawl

4:Sh. Kesavan R
Deputy Commissioner
Siaha District
Siaha

5:Sh. Pheki Solo
Senior Revenue Officer
Mara Autonomous District Council
Siaha

6:Sh. Lalsangliana
Deputy Commissioner
Siaha District
Siaha

7:Sh S.P.Kolipey
SE (Civ)
The Chief Engineer
Border Road Task Force (BRTF)



Project Pushpak GREF
C/o 99 APO

8:Sh Lalhmunsanga
Deputy Commissioner
Siaha Dist.
Siaha Mizoram

Advocate for the Petitioner : Ms Dinari T Azyu
Advocate for the Respondent : Mr. P C Lalthangmawia for R9

Linked Case : Cont.Cas(C)/24/2019

VT Zecharia and 73 Ors
Zawngling
Tuipang
Mizoram

2: V Hrachhia
Siatlai
Tuipang

3: S Pawla
Tuipang
Mizoram

4: Lalhruaia
Tuipang
Mizoram

5: B Chale
Zawngling
Mizoram
VERSUS

Subhash Sharma and 13 Ors
Sena Bhavan B wing
New Delhi

2:Brig Birender Singh
Chief Engineer
BRTF
C/o 99APO

3:R Lalramnghaka
Secretary



Land Revenue and Settlement
Mizoram

4:Bhupesh Chaudary
Deputy Commissioner
Siaha District
Mizoram

5:N Pachhunga
Senior Revenue Officer
Mara Autonomous District Council
Siaha

6:MANV Prasad
Chief Engineer
Border Road Task Force (BRTF)
Project Pushpak GREF
C/o 99 APO

7:Sh R.Zarzosanga
Secretary to the Govt. of Mizoram
Land revenue and Settlement Dept.
Aizawl

8:Sh Kesalan R
Deputy Commissioner
Siaha Dist.
Siaha

9:Sh P.N.Yadav
Chief Engineer
BRTF
Project Pushpak GREF
C/o 99 APO

10:Sh Lalsangliana
Deputy Commissioner
Siaha Dist.
Siaha

11:Sh Pheiki Solo
Senior Revenue Officer
Mara Autonomous District Council
Siaha Dist.
Mizoram

12:Sh S.P.Kolipey
S.E. (Civil)



Chief Engineer
Border road Task Force (BRTF)
Project Pushpak
GREF
C/o 99 APO

13:Sh Lalhmunsanga Hnamte
Deputy Commissioner
Siaha Dist.
Siaha

14:Smt. Nazee Khaila
Sr.Revenue Officer
MADC
Siaha District.

15:Sh V.L.Hruaizela
Deputy Commissioner
Siaha District
Mizoram

Advocate for the Petitioner : Ms Dinari T Azyu
Advocate for the Respondent : Ms Zairemsangpuui

Linked Case : Cont.Cas(C)/21/2019

Sh. L Sachai and 29 Ors
Zawngling
Tuipang
Mizoram

2: LC Valaw
Zawngling
Tuipang
Mizoram

3: B Beizi
Zawngling
Tuipang
Mizoram

4: Mala
Zawngling
Tuipang
Mizoram



5: LC Khaikhei
Zawngling
Tuipang
Mizoram
VERSUS

Sh. Subhash Sharma and 14 Ors
Sena Bhavan B-wing
New Delhi

2:Brig Birender Singh
Chief Engineer
BRTF
C/o 99APO

3:R Lalramnghaka
Secretary
Land Revenue and Settlement
Mizoram

4:Bhupesh Chaudary
Deputy Commissioner
Siaha District
Mizoram

5:N Pachhunga
Senior Revenue Officer
Mara Autonomous District Council
Siaha

6:Sh Manv Prasad
Chief Engineer
Border Road Task Force (BRTF)
Project Pushpak
GREF C/o 99 APO

7:Sh R.Zarzosanga
Secretary to the Govt. of Mizoram
Land Revenue and Settlement Dept.
Aizawl

8:Sh Kesavan R
Deputy Commissioner
Siaha Dist.
Mizoram

9:Sh P.N.Yadav
Chief Engineer



Border Road Task Force (BRTF)
Project Pushpak
GREF
C/o 99 APO

10:Sh Lalsangliana
Deputy Commissioner
Siaha District. Mizoram

11:Sh Pheiki Solo
Senior Revenue Officer
MADC
Siaha Dist.
Mizoram

12:Sh S.P.Kolipecy
Chief Engineer
Border Road Task Force (BRTF)
Project Pushpak GREF
C/o 99 APO

13:Sh Lalhmunsanga Hnamte
Deputy Commissioner
Siaha Dist.
Mizoram

14:Smt Nazee Khaila
Senior Revenue Officer
Mara Autonomous District Council
Siaha District
Mizoram

Advocate for the Petitioner : Ms Dinari T Azyu
Advocate for the Respondent : Mr. P C Lalthangmawia for R14

**BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR
JUDGMENT / ORDER**

Date : 13.11.2025

Heard Ms. Dinari T Azu, learned counsel for the petitioner and also heard Ms. Zairemsangpuii, learned CGC for the respondent No. 3, 7 & 9 in all the contempt



petitions.

The operative portion of the order dated 28.05.2019 passed in WP(C) No. 129/2018 and the other connected matters read as follows;

“9. Prior to sending the verification report by the Deputy Commissioner to the other respondents, the respondent No. 4 shall take a decision with regard to whether the land passes of the petitioners are valid and genuine passes, after giving an opportunity of hearing to all the concerned parties. The petitioners shall also produce their original land passes for inspection and verification. If the petitioners land passes are valid and give heritable and transferable rights to the petitioners, the respondents shall thereafter take a decision whether they want to vacate the petitioners’ lands on which the road is constructed or acquire the land. If the respondents decide to acquire the land, they shall initiate proceedings for acquisition of the land of the petitioners under the acquisition law applicable in the State.

10. The entire exercise for completing the process of acquisition of the petitioners lands or apportionment thereof and the payment of the compensation shall be completed by the respondents within a period of 6 (six) months from the date of sending of the verification report by the Deputy Commissioner to the other respondents.

11. Keeping in mind the fact that 10 years have lapsed from the time was constructed, this Court clarifies that in the event it is found in the verification that the road is not constructed upon the lands of the petitioners, but the debris or other factors due to the road construction has only caused some damage to the land and crops of the petitioners, there is no requirement of the respondents to acquire those lands and in that event, the petitioners would have the liberty to make a claim for damages before the Civil Court as per law.”

The learned CGC appearing for the respondents has placed before this Court the instruction dated 12.11.2025 which reveals that on receipt of the approved copy of the Award No. 12/2024 issued by the Land Revenue & Settlement department, Government of Mizoram vide Memo No. K.12011/48/2013-REV, dated 15.01.2025 certain observation having been raised by 71 RCC (GREF), the Deputy Commissioner



District, Siaha was approached to rectify the observation vide letter dated 08/03/2025. The Deputy Commissioner, Siaha district thereafter submitted a Draft Award by Memo No. D.1106/3/2024-DC(S) dated 16.05.2025 and the same has been approved by the Government of Mizoram vide Memo dated 29.05.2025. The instruction dated 12.11.2025 further records that on scrutiny of the latest award dated 29.05.2025, the department had noticed that there was some incorrect application of a multiplier factor and therefore, they have approached the Deputy Commissioner, Siaha to again verify the actual radial distance from the outskirts of boundary of the urban area related to the TLLL road and to ascertain applicability of the said multiplication factor as per the provisions of RFCTLARR Act 2013.

At paragraph-5, it has been stated that the final decision on the Award No. 12/2024 has been kept in abeyance in the department. Referring to the multiple chain of command involved in order to verify the correctness of the award and for further approval of the competent authorities, the learned counsel for the respondents has been requested to apprise the Hon'ble Court to seek a period of minimum 3 months time from the Court to facilitate the final decision in the Award No. 12/2024. The instruction has been signed by one Mr. Sudhakar Sarma, Assistant Engineer (Civil), Officer-in-Charge Legal Cell for Chief Engineer. This Court notices that the entire exercise for completing of the process of acquisition of the petitioner land or apportionment thereof and payment of compensation should have been completed by the respondents within a period of 6 months from the date of sending of the re-verification report by the Deputy Commissioner to the other respondents. This Court had also taken into account the fact that 10 years had lapsed on the date of the order from the time the road was constructed. This contempt petition was instituted in the year 2019. Verification and passing of the award took time till 29.05.2025. The requiring authority has now again sought to raise the issue for re-verification through the Deputy Commissioner, Siaha even though verification had already been done and



the award had also been passed. The instruction dated 12.11.2025 is specific to the extent that the final decision on the Award No. 12/2024 is kept in abeyance in the department. Although, the Assistant Engineer (Civil), Officer-in-Charge Legal Cell for Chief Engineer is not a party in this contempt proceeding, he has issued the instruction on behalf of the Chief Engineer who is a party respondent in this contempt petition. This Court is of the prima facie view that the respondents instead of following the due procedure of law with regard to the Award No. 12/2024 has tried to circumvent the order passed by this Court more specifically when the final decision on the Award No. 12/2024 is been kept in abeyance in the department.

List this matter again on **04.12.2025** on which date, the Chief Engineer, Project Pushpak and Mr. Sudhakar Sarma, Assistant Engineer (Civil) shall be present before this Court to explain as to why the proceedings should not be initiated against them for attempt to circumvent the order passed by this Court.

JUDGE

Comparing Assistant