

GAHC030006582023



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

**Case No. : WP(C)/149/2023**

Sh. Lalmangchhuana Sailo  
S/o Rochhuma Sailo (L),  
R/o Khawbung, Champhai District, Mizoram

2: Sh. C. Vanlalnema  
legal representative of Chawngthangpuia @ Lalthangpuia (L)

R/o Khawbung  
Champhai District  
Mizoram

3: Sh. S. Lalhuliana  
Legal representative of Makthanga (L)

R/o Khawbung  
Champhai District  
Mizoram

4: Sh. Lalsangliana  
Legal representative of Aithanga (L)  
R/o Khawbung  
Champhai District  
Mizoram

5: Sh. Lalpawlngheta  
Legal representative of Phunthanga (L)  
R/o Khawbung  
Champhai District  
Mizora

VERSUS

The Union of India r/b the Secretary to the Govt. of India, Ministry of Home Affairs  
NDCC-II Building, Jai Singh Road, Near Jantar Mantar, New Delhi-110001

**Advocate for the Petitioner** : Mr B Lalramenga

**Advocate for the Respondent** : Addl. AG/GA, Mizoram for R5-8

**ORDER**

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

**06.12.2023**

Heard Mr. B Lalramenga learned counsel for the petitioners who submits that the petitioners are before this Court for the second time. The earlier writ petition being WP(C) No. 5/2015 was disposed of vide Order dated 02.03.2015 by constituting a verification team to verify the claim made by the writ petitioners about the occupation of their land by the Armed Forces under the Ministry of Home as well as Ministry of Defence. Verification was conducted on 27.11.2015 and the Dy. Commissioner, Champhai made an assessment for payment of compensation for two periods. One period for the occupation of the lands by the Ministry of Home and the other by the Ministry of Defence. However, the Ministry of Home have raised certain objections through their Communication dated 16.02.2017 (Annexure-16) which was replied to by the Revenue Department of the State Government on 02.05.2018 (Annexure-18). However, since the matter could not be resolved, the petitioners filed Civil Suit No. 10/2018 but the same was withdrawn by the petitioners by filing C.M Appln. No. 39/2021 and in which, an order of withdrawal with liberty to file afresh was passed on 05.10.2021 by the Court of Senior Civil Judge, Champhai. The petitioners did not file a fresh suit and instead they have filed the instant writ petition on 01.12.2023.

Mr. B Lalramenga, learned counsel submits that the entire verification and assessment has been carried out as directed by this Court and it is for the Ministry of

Home as well as the Ministry of Defence to pay the petitioners the compensation as assessed by the Dy. Commissioner, Champhai. He, therefore, prays that a direction may be passed to the respondent authorities concerned to pay compensation to the petitioners as was assessed.

In view of above, issue notice of motion returnable by 6 (six) weeks. Ms. Zairemsangpuii, learned CGC accepts notice on behalf of respondent Nos. 1 to 4 while Mr. P.C Lalthangmawia, learned Government Advocate accepts notice on behalf of respondent Nos. 5 to 8. Notice is therefore complete. Petitioners to serve requisite extra copies of the writ petitions to the learned counsels for the respondents today within 3 (three) days, if not already done.

The petitioners shall file an additional affidavit indicating what transpired in the proceedings i.e., Civil Suit No. 10/2018 which was filed by them before the Senior Civil Judge, Champhai and at what was the stage when the same was withdrawn. The petitioners shall also explain as to why they approached this Court only in December, 2023 when the Civil Suit was withdrawn on 05.10.2021.

List the matter again after 6 (six) weeks.

**JUDGE**

**Comparing Assistant**