

GAHC010024082021



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

Case No. : WA/129/2022

1.UNION OF INDIA AND ANR

2: DIRECTOR GENERAL ASSAM RIFLES SHILLONG
REP. BY COMMANDANT 46 ASSAM RIFLES, AIZAWL MIZORA

VERSUS

1.N. LUNGMUANA AND 50 ORS.
S/O- DARCHHUNGA (L), R/O- ELECTRIC VENG, AIZAWL.

2:LAITHUAMI
D/O- CHHUNRUMA R/O- ELECTRIC VENG AIZAWL.

3:AIKIMA
S/O- ZANGENA (L) R/O- RAMHLUN SOUTH AIZAWL.

4:THANSIAMA
S/O- KUNGA (L) R/O- RAMTHAR VENG AIZAWL.

5:R. LALDUAILOVA
S/O- KAWMA (L) R/O- RAMTHAR VENG AIZAWL.

6:ZODINTLUANGI
D/O- C THANMAWIA R/O- ELECTRIC VENG AIZAWL.

7:ZOHMINGTHANGI
D/O- KAPTLUANGA R/O- CHALTLANG AIZAWL.

8:ZOTHANSIAMI
D/O- C. THANMAWIA R/O- ELECTRIC VENG AIZAWL.

9:ZONUNPUIA
S/O- C. THANMAWIA (L) R/O- ELECTRIC VENG AIZAWL.

10:N. LUNGMUANA
S/O- DARCHHUNGA R/O- ELECTRIC VENG AIZAWL.

11:ZOTHANKHUMA
S/O- CH. THANGA R/O- ZOTLANG AIZAWL.

12:LALHMACHHUANA
S/O- THANGDAILOVA R/O- CHHINGA VENG AIZAWL.

13:LALREMI
D/O- THANGDAILOVA R/O- RAMTHAR AIZAWL.

14:VARHLUNNCHHUNGA
S/O- THANGDAILOVA R/O- CHHINGA VENG AIZAWL.

15:VANLALRAWNA
S/O- THLUAIA R/O- CHHINGA VENG AIZAWL.

16:LALDIKI
D/O- THANGDAILOVA R/O- CHHINGA VENG AIZAWL.

17:VANLALAUVA
S/O- THANGDAILOVA R/O- CHHINGA VENG AIZAWL.

18:LUNGHNEMI
D/O- KAPCHHUMA R/O- RAMTHAR AIZAWL.

19:THANGDAILOVI
D/O- KAPCHHUMA R/O- RAMTHAR AIZAWL.

20:VANLALHMANGI
D/O- KAPCHHUMA R/O- RAMTHAR AIZAWL.

21:F. VANLALSIAMA
S/O- F. NIKUNGA R/O- RAMTHAR AIZAWL.

22:ZALAWRA
S/O- KHUNANGA R/O- SIHPHIR.

23:VANLALHRUAI
D/O- PHIRTHANGA R/O- RAMTHAR AIZAWL.

24:NGAIHSAKI
D/O- LALENGLIANA R/O- ARMED VENG AIZAWL.

25:KAPHNUNA
S/O- ZAHRUAI R/O- RAMHLUN AIZAWL.

- 26:K. SANGTHUAMA
S/O- PIANGHLEIA R/O- ELECTRIC VENG AIZAWL.
- 27:K. ROKIMA
S/O- PIANGHLEIA R/O- ELECTRIC VENG AIZAWL.
- 28:AIKHUMI
W/O- L. ROKHUMA R/O- ELECTRIC VENG AIZAWL.
- 29:C. HMUAKLIANA
S/O- ZULAWMA R/O- RAMTHAR AIZAWL.
- 30:BIAKCHHUNGI
W/O- K. THANMAWIA R/O- CHHINGA VENG AIZAWL.
- 31:LALTHAKIMI
D/O- MAMA R/O- RAMTHAR AIZAWL.
- 32:T. ZAMLIANA
S/O- HNUNDAILOVA R/O- ARMED VENG AIZAWL.
- 33:TLAUTHUAMA
S/O- THLAHHLEIA (L) R/O- ELECTRIC VENG AIZAWL.
- 34:VUNGCHINA
S/O- THANGA R/O- ARMED VENG AIZAWL.
- 35:LIANSAWMA
C/O- K.T. THANGI R/O- ELECTRIC VENG AIZAWL.
- 36:K. ZOLIANA
S/O- THANCHHUNGA (L) R/O- DINTHAR VENG AIZAWL.
- 37:B. C. A CABLES
S/O- CHHUMA (L) R/O- ZARKAWT AIZAWL.
- 38:B. C. A CABLES
S/O- CHHUMA (L) R/O- ZARKAWT AIZAWL.
- 39:BIAKCHUNGA
S/O- CHHUMA (L) R/O- ZARKAWT AIZAWL.
- 40:BIAKCHUNGA
S/O- CHHUMA (L) R/O- ZARKAWT AIZAWL.
- 41:BIAKCHUNGA
S/O- CHHUMA (L) R/O- ZARKAWT AIZAWL.

42:KAPHNUNI
W/O- RUALA PACHUAU (L) R/O- REPUBLIC VENG AIZAWL.

43:F. KHUALLUNA
S/O- KAITHANGA R/O- ARMED VENG AIZAWL.

44:PATHUANA
ARMED VENG AIZAWL.

45:LALRINSANGA
S/O- VANLALRUATA R/O- ARMED VENG AIZAWL.

46:ZARMAWIA
S/O- VANTLUANGA R/O- ARMED VENG AIZAWL.

47:THANZAUVA
S/O- REMTHANGA R/O- ARMED VENG AIZAWL.

48:MHIP, CHITE BRANCH
R/O- CHITE VENG AIZAWL.

49:L. HMANGAIHA
R/O- ARMED VENG AIZAWL.

50:THE SECRETARY
TO THE GOVT. OF MIZORAM
DEPARTMENT OF LAND REVENUE AND SETTLEMENT
GOVT. OF MIZORAM
AIZAWL MIZORAM.

51:THE DEPUTY COMMISSIONER/COLECTOR
AIZAWL DISTRICT AIZAWL MIZORAM

For the Appellant(s) : Mr. R.K.D. Choudhury, Deputy Solicitor General of India.

For the Respondent(s) : Mr. K.P. Pathak, Advocate for respondent Nos.2, 6 to 17,
20 to 24, 26, 27, 31, 36, 42, 43, 45, 46, 47, 48 and 49

: Ms. P. Bhattacharjee, Additional Advocate General,
Mizoram for respondent Nos.50 and 51.

– BEFORE –
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

11.12.2024

(Vijay Bishnoi, CJ)

After arguing the matter for quite some time at length, learned counsel appearing for the appellants as well as the learned counsel appearing for the private respondents have frankly admitted that the dispute raised before the learned Single Judge regarding the rental compensation to be paid to the private respondents involve several disputed questions of fact and for resolving those disputed questions of fact, a proper adjudication by Civil Court is required.

Learned counsel appearing for the private respondents has frankly admitted that the disputed questions of fact involved in this writ appeal can only be resolved by a Civil Court after taking into consideration the evidence adduced by the respective parties.

Learned counsel for the parties are in agreement that the impugned judgment and order dated 31.05.2019 passed by the learned Single Judge of this Court (Aizwal Bench) in WP(C) No.89/2017 may be set aside and the private respondents be granted liberty to approach the Civil Court by filing appropriate suit for redressal of their grievances.

It is noticed that earlier also the private respondents have approached the Civil Court by way of filing Title Suit No.5/1998. However, the said Title Suit came to be dismissed as withdrawn on the request of the counsel appearing for the private respondents in which liberty was also sought to file a fresh suit, if so advised.

In view of above submissions made by the learned counsel appearing for the parties, this writ appeal is disposed of.

The impugned order dated 31.05.2019 passed by the learned Single Judge in

WP(C) No.89/2017 is set aside.

However, the private respondents are at liberty to institute a Civil Suit/Title Suit before the competent Civil Court for their entitlement for receiving rental compensation/compensation in respect of the land involved within a period of 4(four) months from today.

JUDGE

CHIEF JUSTICE

Comparing Assistant