

GAHC030002372023



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

Case No. : WP(C)/47/2023

Sh. Rinzuala and 68 Ors.
S/o Khetrojoy
R/o Rajtali, Kolasib District

2: Sh. Lalengkimitheia
S/o Thansiam
R/o Rajtali
Kolasib District.

3: Sh. Lungmuana
S/o Thansiam
R/o Rajtali
Kolasib District

4: Smt. Lallungliani
D/o Thansiam
R/o Rajtali
Kolasib District

5: Sh. Vanlalhlana
S/o Ramsadu
R/o Rajtali
Kolasib District.

6: Smt. Thiamchawngi
D/o Thangpuii
R/o Rajtali
Kolasib District.

7: Sh. Ononjoy
S/o Ramsadi
R/o Rajtali
Kolasib District.

8: Sh. Nil Bahadur
S/o Ronjon
R/o Rajtali
Kolasib District.

9: Sh. Ramba
S/o Bancharai
R/o Rajtali
Kolasib District

10: Sh. Ramzauva
S/o Birmohan
R/o Rajtali
Kolasib District

11: Sh. Daia
S/o Luaicha
R/o Rajtali
Kolasib District

12: Sh. Nobiram
S/o Dosanga

R/o Rajtali
Kolasib District

13: Sh. Lalchawimawia
S/o Tlangsan Hmar
R/o Rajtali
Kolasib District

14: Sh. Kapmawia
S/o Bijoy
R/o Rajtali
Kolasib District

15: Sh. Tlangsan Hmar
S/o Zathuama
R/o Rajtali
Kolasib District

16: Sh. Tlangsan Hmar
C/o Lalruata
R/o Rajtali
Kolasib District

17: Sh. Rinchhana
S/o Ramsadu

R/o Rajtali
Kolasib District

18: Sh. Vuana
S/o Buaikhonto
R/o Rajtali
Kolasib District

19: Sh. Manjarung
S/o Monchoring
R/o Rajtali
Kolasib District

20: Sh. Satirai
S/o Bijoy
R/o Rajtali
Kolasib District

21: Sh. Lawmkima
S/o Horena
R/o Rajtali
Kolasib District

22: Sh. Lawmkima
S/o Horendo
R/o Rajtali
Kolasib District

23: Sh. Zorinkima
S/o Khetrojy
R/o Rajtali
Kolasib District

24: Sh. Dula
S/o Durachha
R/o Rajtali
Kolasib District

25: Sh. Mohindro
S/o Sobiram
R/o Rajtali
Kolasib District

26: Sh. Mohindro
C/o P.L Zohmingliana
S/o Sobiram
R/o Rajtali
Kolasib District

27: Sh. Dosanga
S/o Bijoy
R/o Rajtali
Kolasib District

28: Sh. Nokorai
C/o Zodinsanga
S/o Khetrojoy
R/o Rajtali
Kolasib District

29: Sh. Rammawia
S/o Robia
R/o Rajtali
Kolasib District

30: Sh. Dobola
S/o Mirtojoy
R/o Rajtali
Kolasib District

31: Sh. Budasingh
S/o Kornojoy
R/o Rajtali
Kolasib District

32: Sh. Nokurai
S/o Khetrojoy
R/o Rajtali Kolasib District

33: Sh. Taiduha
S/o Daruka
R/o Rajtali
Kolasib District

34: Sh. Lalengkima
S/o Masarai
R/o Rajtali
Kolasib District

35: Sh. Nasarung
S/o Nisia
R/o Rajtali
Kolasib District

36: Sh. Joela
C/o Vanlalruata

S/o Saduhai
R/o Rajtali
Kolasib District

37: Sh. Muanpuia
S/o Monia
R/o Rajtali
Kolasib District

38: Sh. Ropuia
S/o Zangula
R/o Rajtali
Kolasib District

39: Sh. Nisia
S/o Bisarai
R/o Rajtali
Kolasib District

40: Sh. Ramliana
S/o Golduram
R/o Rajtali
Kolasib District

41: Sh. Mungoti
S/o Jujendro
R/o Rajtali
Kolasib District

42: Sh. Melkoram
S/o Dorchoram
R/o Rajtali
Kolasib District

43: Sh. Boikhanto
S/o Monba
R/o Rajtali
Kolasib District

44: Sh. Linjorai
S/o Kesoh
R/o Rajtali
Kolasib District

45: Sh. Chandiram
S/o Dohoram
R/o Rajtali
Kolasib District

46: Sh. Chotoino
S/o Baronjoy
R/o Rajtali
Kolasib District

47: Sh. Chotoino
S/o Matingi
R/o Rajtali
Kolasib District

48: Sh. Burdirram
S/o Norendro
R/o Rajtali
Kolasib District

49: Sh. Nadurai
S/o Bijoy
R/o Rajtali
Kolasib District

50: Sh. Subidra
S/o Horendro
R/o Rajtali
Kolasib District

51: Sh. Rangnangti
S/o Raimona
R/o Rajtali
Kolasib District

52: Sh. Jobinti
C/o Biakhluni
R/o Kolasib
Mizoram

53: Smt. Manui
D/o Ronjona
R/o Rajtali
Kolasib District

54: Sh. Lalmangaiha
S/o Dappharai
R/o Rajtali
Kolasib District

55: Sh. Dilcham
S/o Kesoh

R/o Rajtali
Kolasib District

56: Sh. Nironjon
S/o Ramzauva
R/o Hortoki
Kolasib District

57: Sh. Lalfakzuala
C/o Raimona
R/o Rajtali
Kolasib District

58: Smt. Zothanpuui
W/o Ngurchhuanmawia
R/o Kolasib
Mizoram.

59: Sh. Ngurchhuanmawia
S/o S.K Sanga
R/o Kolasib
Mizoram.

60: Sh. Vanlalhruaii
C/o Zothanga
R/o Kolasib
Mizoram.

61: Smt. Lalduhveli
D/o S.K Sanga
R/o Kolasib
Mizoram

62: Sh. S.K Sanga
S/o L.T. Zauva
R/o Kolasib

63: Sh.Lalhmingliana
S/o S.K Sanga
R/o Kolasib

64: Sh.Lalzawmliana
S/o Rengzika

R/o Hortoki
Kolasib District

65: Sh.Liporjoy

C/o Remthangi
R/o Rajdali

Kolasib District
Mizoram.

66: Sh.Kholoti
C/o Tlanmawii
R/o Kolasib
Mizoram.

67: Sh. Lalngilneia
S/o Golkoram
R/o Rajdali
Kolasib District

68: Sh. Chotoino
S/o Boronjoy
R/o Rajdali
Kolasib District

69: Sh. Lalfakzuala
S/o Lungsenham
R/o Rajdali
Kolasib Distric

VERSUS

State of Mizoram and 8 Ors.
R/b the Chief Secretary
to the Govt. of Mizoram, Aizawl. 2:The Secretary to the Govt. of Mizoram
Land Revenue and Settlement Department
Aizawl
Mizoram.

3:The Director
Land Revenue and Settlement Department
Govt. of Mizoram
Aizawl
Mizoram.

4:The District Collector / District Commissioner
Kolasib District
Kolasib
Mizoram.

5:The Union of India R/b the Secretary
Railway Board

Ministry of Railways
Govt. of India
Rail Bhavan
1
Raisina Road
New Delhi.

6:The Northeast Frontier Railway R/b its General Manager (Construction)
Maligaon
Guwahati
Assam - 781012.

7:The Chief Administrative Officer (Construction-I)
Northeast Frontier Railway
Maligaon
Guwahati - 781012.

8:The Chief Engineer (Construction-II)
Northeast Frontier Railway
Maligaon
Guwahati - 781012.

9:. The Deputy Chief Engineer (Construction)
Bairabi at Silchar
Northeast Frontier Railway
Silchar
Cachar
Assam-788003

Advocate for the Petitioner : Mr. Jonathan L Sailo

Advocate for the Respondent : Addl. AG/GA, Mizoram for R1 - 4

B E F O R E

HON'BLE MR. JUSTICE NELSON SAILO

15.05.2023

Heard Mr. Jonathan L Sailo, learned counsel for the petitioners and also Mr. P.C Lalthangmawia, learned Government Advocate appearing for the respondent Nos. 1 to 4 and Ms. Zairemsangpuii, learned CGC appearing for respondent Nos. 5 to 9.

[2.] Although the matter is listed for motion today but having regard to the nature of case projected by the petitioners, the same is taken up for disposal at this stage.

[3.] The claim of the petitioners is that their land was acquired by the NF Railway for construction of railway line from Bairabi to Sairang under Draft Award No. 1/2012 (Part-C Hortoki) dated 13.09.2012. The acquisition was done under the provisions of the Land Acquisition Act, 1894 (LA Act).

[4.] According to the petitioners, possession of their land was taken over by the District Collector, Kolasib and was handed over to the North East Frontier Railway vide certificate of possession dated 13.3.2013. However, the petitioners were not paid any compensation towards the market value on their land except for compensation towards crops. Therefore, they filed a reference application and the same was registered as LA Case No. 4/2013. The reference application was disposed of by the L.A Judge vide judgment & award dated 31.01.2017 by awarding the petitioners land value @Rs. 25 per Sq.ft along with solatium and interest under Section 23 of the LA Act. It is the case of the petitioners that due to the enhancement of the award, they are entitled to be paid interest as per Section 28 of the LA Act. The same, however, was not considered, calculated and paid to them. As such, they are before this Court.

[5.] Mr. Jonathan L Sailo, learned counsel submits that in a case of similar nature i.e. WP(C) No. 115/2022 in respect of Draft Award No. 1/2012 (Part-C Hortoki), this Court vide Order dated 25.10.2022 disposed of the writ petition by directing the District Collector, Kolasib to examine the claims of the petitioners therein under Section 28 & 34 of the LA Act and if it was found that the petitioners were entitled for payment of interest, the same was directed to be paid by the acquiring authority within a time framed. He therefore submits that a similar order may be passed in the present case.

[6.] I have heard the learned counsels for the rival parties and I have perused the materials available on record including the earlier order of this Court dated 25.10.2022

passed in WP(C) No. 115/2022, which is in Annexure-11 of the writ petition. I, therefore, find that this writ petition is squarely covered and can be disposed of in a similar line.

[7.] In view of above, this writ petition is disposed of to the direction to the District Collector, Kolasib to examine the claim of the petitioners for payment of interest under Section 28 of the LA Act and if the same is found that the petitioners are entitled for payment of interest, appropriate assessment should be made. Such an exercise should be undertaken and completed within a period of 6 (six) weeks from the date of receipt of a certified copy of this order. Once the assessment is made, the District Collector, Kolasib shall forward the same to the respondent NF Railway i.e. respondent Nos. 5 to 9 and the said respondents shall make necessary arrangement of the required fund, within a period of 6 (six) weeks from the date of receipt assessment of the District Collector, Kolasib and deposit the same before the District Collector, Kolasib. The amount so deposited shall be released to the writ petitioner without delay.

JUDGE

Comparing Assistant