

GAHC030003192022



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

Case No. : WP(C)/78/2022

F. Lalthangliana(L) r/b his son F. Zothanchhunga and 28 Ors.
R/o Lunglawn, Lunglei, Mizoram.

2: J. Dengliani
W/o Hualzika
R/o Bazar Veng
Lunglei
Mizoram.

3: Nihliangi (L) r/b her grandson F. Challianngura
S/o F. Saithanhawla (L)
R/o Lunglawn
Lunglei
Mizoram.

4: F. Kapzawna
S/o F. Saithanhawla (L)
R/o Lunglawn
Lunglei
Mizoram.

5: R. Rualkhuma (L) r/b his wife Lalrumi
R/o Luangmual
Lunglei
Mizoram.

6: F. Lalnunmawii
D/o F. Lalthangliana
R/o Lunglawn
Lunglei
Mizoram.

7: F. Challianngura
S/o F. Lalthangliana
R/o Lunglawn

Lunglei
Mizoram.

8: R. Hmingliana
S/o Zokeuva
R/o Serkawn
Lunglei
Mizoram.

9: Lalthanpari Tochhawng
D/o H.M. Tochhawng
R/o Ramthar
Lunglei
Mizoram.

10: Lalduhawmi
D/o Sena
R/o Zohnuai
Lunglei
Mizoram.

11: Lalzahawma
S/o F. Lalthangliana
R/o Lunglawn
Lunglei
Mizoram.

12: R. Lalthangpuii
D/o R. Lalmama
R/o Electric Veng
Lunglei
Mizoram.

13: Lalduhawmi
D/o F. Kapzawna
R/o Lunglawn
Lunglei
Mizoram.

14: Lalnuntluanga
S/o C. Thangkima
R/o Chandmary-III
Lunglei
Mizoram.

15: Lalrinkima Fanai
S/o F. Lalzuala (L)
R/o Chandmary-III
Lunglei

Mizoram.

16: Lalrinnggheta Fanai
S/o F. Lalzuala (L)
R/o Chandmary-III
Lunglei
Mizoram.

17: Lalrinfela Fanai
S/o F. Lalzuala (L)
R/o Chandmary-III
Lunglei
Mizoram.

18: F. Lalzuala (L) r/b his son Lalrinfela Fanai
R/o Chandmary-III
Lunglei
Mizoram.

19: V. Hmingliana
S/o Thatchianga
R/o Lunglawn
Lunglei
Mizoram.

20: F. Lalrinzuala
S/o F. Lalzuala (L)
R/o Lunglawn
Lunglei
Mizoram.

21: Tluangtea
S/o Laltawnga
R/o Lunglawn
Lunglei
Mizoram.

22: Hmingliana
S/o Rualkhuma
R/o Lunglawn
Lunglei
Mizoram.

23: Lalnunmawia
S/o Laltea
R/o Lunglawn
Lunglei
Mizoram.

24: Remmawii
D/o Rualkhuma
R/o Lunglawn
Lunglei
Mizoram.

25: Odey Lallawmsanga Ralte
S/o R. Lalduhkima
R/o Zohnuai
Lunglei
Mizoram.

26: Laltanpuia
S/o Thangliana
R/o Lunglawn
Lunglei
Mizoram.

27: R. Thanga
S/o Liansiama
R/o Lunglawn
Lunglei
Mizoram.

28: Vanlalrokima
S/o A. Goswami
R/o Lunglawn
Lunglei
Mizoram.

29: Vunghnuna
S/o Vungchhinga
R/o Venglai
Lunglei
Mizoram

VERSUS

State of Mizoram and 7 Ors.
r/b the Chief Secretary to the Govt. of Mizoram, Aizawl. 2: The Secretary to the
Govt. of Mizoram
Revenue Department
Aizawl
Mizoram.

3: The Director
Land Revenue and Settlement
Mizoram
Aizawl.

4:The Deputy Commissioner i/c Revenue
Lunglei District
Lunglei
Mizoram.

5:The Settlement Officer
Land Revenue and Settlement
Lunglei District
Lunglei
Mizoram.

6:The Commissioner-cum-Secretary to the Govt. of Mizoram
Home Department
Aizawl.

7:The Inspector General of Police
Govt. of Mizoram
Mizoram.

8:The Commandant
2nd Batallion
MAP
Luangmual
Lunglei
Mizoram

Advocate for the Petitioner : Mr A.R. Malhotra

Advocate for the Respondent : Ms. Mary Lalruatkimi Khiangte (Addl.AG/G.A. Mizoram)

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

For Petitioners : Mr. A. R. Malhotra, Adv.

For respondents : Ms. Mary L. Khiangte,
Government Advocate.

Date of Hearing : 22.08.2023

Date of Judgment : 24.08.2023

JUDGMENT & ORDER

1. Heard Mr. A. R. Malhotra, learned counsel for the petitioners. Also heard Ms. Mary L. Khiangte, learned Government Advocate.

2. This writ petition under Article 226 of the Constitution of India has been filed by 29 nos. of petitioners impugning the minutes issued vide memo No. C.18018/4/94-HMP/Vol-I dated 26.04.2021 of the meeting held in the Chief Secretary's Conference Hall on 20.04.2021 to discuss the future course of action in pursuance of the Judgment and Order dated 08.11.2017 passed by this Court in RFA No. 30/2013 (State of Mizoram –Vs- F. Lalthangliana and 28 Ors.) wherein it was, *inter alia*, decided that the land settlement certificates (LSCs) issued to the present writ petitioners are to be cancelled and also impugning the letter Memo No. C.15016/5/2002-LEGAL/DTE(REV) dated 30.04.2021 issued by the respondent No. 5 in pursuant to the resolution adopted in the aforementioned meeting held on 20.04.2021 as well as Show Cause Notices dated 30.07.2021 issued to the petitioners by the respondent No. 5, in violation of the decree passed by this Court in pursuant to the Judgment and Order dated 08.11.2017 in RFA No. 30/2013.

3. The petitioners have also prayed for issuance of directions for handing over vacant and peaceful possession of the lands after making rental compensation by respondent No. 6, 7 and 8 to the petitioners with effect from the date of conferring right and title over the land in connection with which land settlement certificate were issued to the present petitioners which was conferred by the Judgment and Order dated 08.11.2017 of this Court in RFA No. 30/2013 till said land is vacated or acquired in accordance with law.

4. The petitioners' case, in brief, is that they are citizens of India belonging to the Mizo (Scheduled Tribe) community and are permanent

residents of Mizoram, Lunglei District. The petitioners and their predecessors in interest had applied for and were allotted house sites at Luangmual Ram, Lunglawn, Lunglei by issuance of land settlement certificate (herein after referred to "LSC") in the vicinity and adjacent to the land allotted to the respondent No. 5 for 2nd Battalion MAP Complex at Luangmual, Lunglei by the authorities of the Revenue Department, Government of Mizoram. The nature and extent of the area of land holdings of the respective petitioners are shown as follows:-

<i>Sl. No.</i>	<i>Name of land Owners</i>	<i>Land Passes under LSCs</i>	<i>Area in Sq. Ft.</i>
<i>1.</i>	<i>F.Lalthangliana (L)</i>	<i>96 of 1989</i>	<i>26199.51</i>
<i>2.</i>	<i>J.Dengliani</i>	<i>95 of 1989</i>	<i>10010</i>
<i>3.</i>	<i>Nihliangi</i>	<i>97 of 1989</i>	<i>18406.44</i>
<i>4.</i>	<i>F.Kapzawna</i>	<i>98 of 1989</i>	<i>8212</i>
<i>5.</i>	<i>R.Rualkhuma</i>	<i>99 of 1989</i>	<i>19855.361</i>
<i>6.</i>	<i>F.Lalnunmawii</i>	<i>100 of 1989</i>	<i>21070</i>
<i>7.</i>	<i>F.Challianngura</i>	<i>103 of 1989</i>	<i>18164.25</i>
<i>8.</i>	<i>R.Hmingliana</i>	<i>104 of 1989</i>	<i>17491.5</i>
<i>9.</i>	<i>Lalthanpari Tochhawng</i>	<i>105 of 1989</i>	<i>18271.89</i>
<i>10.</i>	<i>Lalduhawmi</i>	<i>109 of 1989</i>	<i>13993.2</i>
<i>11.</i>	<i>Lalzahawma</i>	<i>229 of 1989</i>	<i>18837</i>
<i>12.</i>	<i>R.Lalthangpuui</i>	<i>230 of 1989</i>	<i>18837</i>
<i>13.</i>	<i>Lalduhawmi</i>	<i>295 of 1989</i>	<i>20291</i>

14.	<u>Lalnuntluanga</u>	<u>111 of 1989</u>	<u>17168.58</u>
15.	<u>LalrinkimaFanai</u>	<u>102 of 1989</u>	<u>16146</u>
16.	<u>LalrinngghetaFanai</u>	<u>106 of 1989</u>	<u>13514.20</u>
17.	<u>LalrinfelaFanai</u>	<u>107 of 1989</u>	<u>12378.6</u>
18.	<u>F.Lalzuala</u>	<u>112 of 1989</u>	<u>17674.488</u>
19.	<u>V.Hmingliani</u>	<u>231 of 1989</u>	<u>16576.56</u>
20.	<u>LalrinzualaFanai</u>	<u>291 of 1989</u>	<u>15070</u>
21.	<u>Tluangtea</u>	<u>133 of 1989</u>	<u>9364</u>
22.	<u>Hmingliana</u>	<u>110 of 1989</u>	<u>16304.769</u>
23.	<u>Lalnunmawia</u>	<u>277 of 1989</u>	<u>16576.56</u>
24.	<u>Remmawii</u>	<u>116 of 1989</u>	<u>14356.75</u>
25.	<u>Odey Lallawmsanga Ralte</u>	<u>101 of 1989</u>	<u>16834.896</u>
26.	<u>C.Laltanpuia</u>	<u>115 of 1989</u>	<u>14604.057</u>
27.	<u>R.Thanga</u>	<u>114 of 1989</u>	<u>13804.88</u>
28.	<u>Vanlalrokima</u>	<u>108 of 1989</u>	<u>17164</u>
29.	<u>Vunghnuna</u>	<u>296 of 1989</u>	<u>16684</u>

5. Some of the petitioners being aggrieved by the action of respondent Nos. 5, 6 and 7 in illegally encroaching their lands by construction of residential quarters with effect from the beginning of the year 1989 had submitted representation to the respondents against the respondent Nos. 5, 6 and 7. Due to inaction of the respondents and their non-responsiveness on the

representation filed by some of the petitioners, they approached this Court by filing writ petitions which were registered as Civil Rules No. 59, 60 and 61 of 1994. The said writ petitions were disposed of by a common order of this Court on 12.12.1997 wherein it was observed as follows:-

“It was made clear at the very outset to the Ld. Counsel that considering the nature of the Petitions involving highly disputed question of facts and claimed for property, the Petitioners if so advised may pursue their remedy in the ordinary course of law than invoking extra-ordinary jurisdiction. It is for this reason that the claim as put forth by the Petitioner is not being examined on merits. The Petition is however dismissed with no order as to cost. In the event the Petitioner chooses to pursue his remedy in the ordinary course of law, periods spent in prosecuting of this petition may be condoned on proper application. This petition, however, stands dismissed”.

6. Thereafter, the petitioners and the predecessor in interest of the petitioner Nos. 2, 5, 8, 9, 12, 25 & 29 approached the Court of Senior Civil Judge, Lunglei for declaration of their right, title and interest in respect of house sites under the aforementioned different LSCs and for payment of rental compensation for the period of illegal occupation of the said land by respondent Nos. 5 to 7 along with other consequential relief. The said suit was registered as Civil Suit No. 1/2001 and the said suit was duly contested by the respondents and was decreed by the learned Trial Court by its Judgment and Order dated 13.08.2010.

7. Thereafter, the respondent preferred a Regular First Appeal against the aforesaid Judgment and Decree dated 13.08.2010 which was registered as RFA No. 9/2011 and was disposed of by Judgment and Order dated 22.02.2012

whereby this Court remanded the matter again to the learned Trial Court for *de novo* adjudication and, accordingly, the Court of Senior Civil Judge, Lunglei proceeded with the said suit in terms of the order passed on 22.02.2012 in RFA No. 9/2011 and ultimately again decreed the suit by its order dated 09.04.2013.

8. In the operative portion of the Judgment and Decree dated 09.04.2013, Court of Senior Civil Judge, Lunglei gave following reliefs to the present petitioners:-

“1) The Plaintiffs are the rightful owner of the lands covered by their respective LSCs located at Luangmual Ram, Lunglei, Mizoram adjacent to the lands under DPL No.7(D) of 1988.

2) The Defendants No.6 & 7 are held liable to pay rental charges to those plaintiffs whose lands had been illegally occupied by the said Defendants for the period from January, 1989 till date.

3) The Defendant No. 3 is directed to make assessment of rental charges payable to the Plaintiffs within a period of 2(two) months from the date of this Decree and to submit the same to the Department concerned (Defendants No.6 & 7) with a copy to the Plaintiffs, and

4) The Defendants No.6 & 7 shall pay the amount so assessed to the Plaintiffs within a period of 2 (two) months from receipt of the said amount.”

9. Being aggrieved by the aforesaid Judgment and Decree dated 09.04.2013, the respondent Nos. 1 to 5 again preferred a Regular First Appeal before this Court which was registered as RFA No. 30/2013.

10. In the said RFA No. 30/2013, this Court framed following issues:-

“i) Whether the Plaintiffs have right, title and interest over the land

covered by respective LSCs granted in favour of the Plaintiffs?

ii) Whether the LSCs were issued on the basis of fake and fraudulent Garden Patta No.21/74 and Permit No.54/84? If so, whether such LSCs granted to the Plaintiffs are illegal and void for being issued on the basis of fake and fraudulent Patta No.21/74 and 54/84?

iii) Whether the Plaintiffs are entitled to decree for declaration as prayed for and also the consequential relief of recovery of possession by evicting the defendant and also for rent and/or compensation?"

11. Thereafter, on consideration of the materials on record and after hearing both the sides, this Court disposed of the Regular First Appeal by its Judgment and Order dated 08.11.2017 whereby the abovementioned Issue Nos. 1 and 2 were decided in favour of the present petitioners declaring and confirming their right and title over the land covered by their respective LCSs. However, as regard Issue No. 3 is concerned, this Court was of the view that plaintiff had failed to establish by specific and cogent pleading or evidence the extent of encroachment of their respective lands by the respondents and accordingly it modified the Judgment dated 09.04.2013 passed by Court of Senior Civil Judge, Lunglei in Civil Suit No. 1/2001 to the extent as indicated in paragraph No. 18 of its Judgment and Order dated 08.11.2017. The observation of this Court in RFA No. 30/2013 in paragraph No. 18 of the said Judgment is quoted herein below:-

"18. In view of what has been discussed above, the appeal is partly allowed to the extent of declaring the Individual right and title of the Plaintiffs in respect of the land covered by LSC of each of the Plaintiffs. However, the decree of payment of rent passed by the Ld. Trial Court is set aside. In the result, the appeal is partly allowed as indicated above. Prepare a decree accordingly. Parties

to bear their own costs."

12. It is submitted by Mr. A. R. Malhotra, learned counsel for the petitioners that after the Judgment and Order dated 08.11.2017 passed in RFA No. 30/2013, the Settlement Officer, Lunglei issued an Office order No. L-11020/3(CRT)/93-LRS(L)/77 dated 19.03.2019 directing spot verification to find out whose land LSCs are falling within the area of 7.59 Bighas under the occupation of the Police Department at Luangmual on 27.03.2019. Though, the proper verification could not be conducted, however, it was found that out of 29 LSCs which were submitted for verification of land of 9 petitioners were found to be in occupation of 2nd Battalion MAP. Since, no proper verification was done as required by the petitioners for verifying the extent and area of encroachment of the land of each of the petitioners, they again approached the respondent No. 6 by submitting their representation which was received by the Office on 29.07.2019.

13. However, it is submitted by the learned counsel for the petitioners that instead of responding their representation, the petitioners were informed by the respondents that the meeting was convened on 20.04.2021 under the Chairmanship of the Chief Secretary to the Government of Mizoram in which it was decided that all the 29 LSCs issued to the petitioners will be cancelled. On query being made by the present petitioners, a copy of the minutes of the meeting under Memo No. C.18018/4/94-HMT/Vol-I dated 26.04.2021 along with letter Memo No. C.15016/5/2001-LEGAL/DTE(REV) dated 30.04.2021 was furnished to the present petitioners. Following minutes were adopted in the said meetings:-

"1. Investigation of the criminal case registered at Lunglei Police

Station vide LLI PS C/No.77/2013 dt.11/7/2013 u/s 420/463/471 IPC be pursued vigorously and present status of investigation be submitted to Home Department and weekly report of progress of Investigation as well.

Action: DGP, Mizoram

2. Lunglawn Village Council sitting Minute book 1971 - 1990 be obtained before end of April and submitted to Home Department.

Action: SP, Lunglei

3. All 29 (twenty nine) LSCs converted from fake Temporary Garden Pass No.5/84 and Garden P.Patta No.21/74 be cancelled after giving show cause notice.

Action: Land Revenue & Settlement".

14. In pursuant to the decision of the aforesaid meeting, the respondent No. 3 had issued the aforementioned letter dated 30.04.2021 to the respondent No. 5 by which he was informed to initiate action of cancellation of 29 LSCs belonging to the present petitioners.

15. In pursuant to the directions given by respondent No. 3, the respondent No. 5 had issued show cause notices dated 30.07.2021 to the petitioners informing them that their LSCs falling within the DPL No. 7(D)/1988 in pursuant to the Judgment and Order dated 08.11.2017 have been decided to be cancelled in the meeting on 20.04.2021 with the Chief Secretary as the said LCSs were all fake and the petitioners were directed to submit their reply as to why their LSCs should not be cancelled on or before 20.08.2021.

16. Mr. A. R. Malhotra, learned counsel for the petitioner has submitted that by Judgment and Decree dated 09.04.2013 passed by the Senior Civil Judge, Lunglei in Civil Suit No. 1/2001, the present petitioners were declared rightful

owner of the lands covered by their respective LSCs located at Luangmual Ram, Lunglei, Mizoram adjacent to the lands under DPL No.7(D) of 1988 and the said Judgment and Decree of the Court of Senior Civil Judge, Lunglei has been upheld by this Court by its Judgment and Order dated 08.11.2017 passed in RFA No. 30/2013.

17. Mr. A. R. Malhotra, learned counsel for the petitioners has further submitted that the question of right, title and interest of the present petitioners over the lands in connection with which the 29 LSCs were issued to them has been finally settled by this Court in its Judgment and Order dated 08.11.2017 in RFA No. 30/2013, hence, it is no longer open for the respondent to agitate the said issue otherwise than in any appropriate judicial forum and hence he submits that the action of the respondents in adopting impugned minutes in the meeting held on 20.04.2021 and issuance of show cause notices to the present petitioners are in violation of principles of natural justice and procedure laid down by law and the same are liable to be set aside and quashed. In support of his submission, learned counsel for the petitioners has cited a ruling of Hon'ble Supreme Court of India in "***Union of India and Anr. –Vs- Ashok Kumar Aggarwal***" reported in "***(2013) 16 SCC 147***" wherein Hon'ble Apex Court has observed as follows:

"46. Placing reliance upon the earlier judgments in Mulraj v. Murti Raghunathji Maharaj [AIR 1967 SC 1386] , Surjit Singh v. Harbans Singh [(1995) 6 SCC 50 : AIR 1996 SC 135] , DDA v. Skipper Construction Co. (P) Ltd. [(1996) 4 SCC 622] and Gurunath Manohar Pavaskar v. Nagesh Siddappa Navalgund [(2007) 13 SCC 565] , this Court in Manohar Lal v. Ugrasen [(2010) 11 SCC 557 : (2010) 4 SCC (Civ) 524] held that any order passed by any authority in spite of the knowledge of order of the court, is of no consequence as it remains a nullity and any subsequent action thereof would also be a nullity."

18. As regards the payer of the petitioners regarding handing over of vacant and peaceful possession of the land covered by LSCs issued to the present petitioners and which is alleged to be encroached/occupied by respondent Nos. 6, 7 and 8 and regarding the prayer for payment of rental compensation in respect of the said encroachment, when a pointed query was posed to the learned counsel for the petitioners that the petitioners may approach appropriate Civil Court for availing appropriate remedy, Mr. A. R. Malhotra, learned counsel for the petitioners has also submitted that though the petitioners have also prayed for issuance of direction from this Court for handing over of vacant and peaceful possession of their encroached land and for payment of rental compensation against such encroachment, however, the petitioners are not pressing for the said relief in this instant writ petition and they would approach appropriate Civil Court for the same. However, Mr. A. R. Malhotra, learned counsel for the petitioners has submitted that as the representation filed by the present petitioners for verifying the extent and area of encroachment of land covered by their respective LSCs has not yet been acted upon by the respondents and as the State respondents in their affidavit-in-opposition dated 18th April, 2023, filed in the instant case, has also prayed for a direction for joint verification of the land covered by the LSCs of the present petitioners as well as land occupied by 2nd Bn, MAP, Lunglei as per Pass No. DPL(7) of 1988, it is prayed that this Court may issue appropriate directions in this regard.

19. Mr. A. R. Malhotra, learned counsel for the petitioners has also submitted that mere existence of an alternative forum where an aggrieved party may secure relief does not create a legal bar on the writ jurisdiction of High Court. It is submitted by learned counsel for the petitioners that the jurisdiction of the

High Court under Article 226 of the Constitution of India is equitable and discretionary and may be exercised to remedy injustice wherever it is found and it is prayed that under the facts and circumstances of the present case, this Court may issue appropriate directions. In support of his submissions, learned counsel for the petitioners has relied upon ruling of Hon'ble Supreme Court of India in "***Maharashtra Chess Association –Vs- Union of India and Ors.***" reported in "***(2020) 13 SCC 285***" wherein Hon'ble Apex Court has explained the wide scope of the writ jurisdiction of the High Court in the aid of justice.

20. On the other hand, Ms. Mary L. Khiangte, learned Government Advocate has fairly submitted that once a judicial decision attains finality it is binding on the parties and has stated that in pursuant to this Court's order dated 26.07.2022, the process of cancellation of LSCs of the petitioners has been put on hold. However, she has submitted that the respondent Nos. 6, 7 and 8 have only been occupying the land which were allotted to them by DPL No. 7(D) of 1988 and has submitted that the State respondents do not have any objection if this Court issues direction for joint verification of the land covered by the LSCs of the present petitioners as well as land occupied by 2nd Bn, MAP, Lunglei as per Pass No. DPL(7) of 1988.

21. I have considered the submissions of learned counsel for both the sides and have perused the materials available on record.

22. It appears on perusal of the Judgment, dated 08.11.2017, passed by this Court, in RFA No. 30/2013, that by the said Judgment, this Court upheld the Judgment and Decree passed, in favour of the present petitioners, by the Court of learned Senior Civil Judge, Lunglei in Civil Suit No. 1/2001 on 09.04.2013 to

the extent of declaration of the right and title of the present petitioners over the land covered by their respective LSCs (as described in Paragraph No. 4 of this Judgment). Though, the present respondents took the plea in the aforementioned civil cases that the LSCs which were issued to the present petitioners were fake, however, the said plea was found to be unsustainable and was not accepted by both the Trial Court as well as Appellate Court. The law is well settled that an inter-party judgment binds the parties if the court of competent jurisdiction has decided the *lis*. It appears that the present respondents as well as the petitioners were parties in Civil Suit No. 1/2001 as well as RFA No. 30/2013 and as the said judicial decision has attained finality and unless it is agitated before appropriate judicial forum in appropriate proceeding, it is binding on all authorities including all the State respondents of the instant case. In view of finality of the Judgment passed in RFA No. 30/2013, any action of any of the respondents including the decision taken by the Government of Mizoram in its meeting held on 20.04.2021, which is impugned in this writ petition, wherein decision for cancellation of all 29 LSCs issued to the present petitioners was taken and in pursuant to the said decision the letter vide Memo No. C.15016/5/2002-LEGAL/DTE(REV) dated 30.04.2021 was issued by the respondent No. 5 as well as Show Cause Notices dated 30.07.2021 which were issued to the petitioners by the respondent No. 5 are liable to be set aside.

23. In view of the submissions made by learned counsel for both sides and the discussions made in foregoing paragraphs, this writ petition is disposed of with following directions:-

- i. The decision taken by the Government of Mizoram in its meeting held on 20.04.2021, which is impugned in

this writ petition, wherein decision for cancellation of all 29 LSCs issued to the present petitioners was taken and in pursuant to the said decision the letter vide Memo No. C.15016/5/2002-LEGAL/DTE(REV) dated 30.04.2021 was issued by the respondent No. 5 as well as Show Cause Notices dated 30.07.2021 which were issued to the petitioners by the respondent No. 5 are hereby set aside.

ii. The State respondents (respondent Nos. 2, 3, 4 and 5) are hereby directed to conduct spot verification of the land covered by the LSCs (*mentioned in paragraph No. 4 of this Judgment*) of the present petitioners as well as land occupied by 2nd Bn, MAP, Lunglei as per Pass No. DPL(7) of 1988 to verify whether there is any encroachment of land by any party.

iii. As regards other reliefs sought for by the petitioners, they shall be at liberty to pursue their remedy before appropriate forum in appropriate proceedings, if so advised.

JUDGE

Comparing Assistant