

GAHC030004762022



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

Case No. : WP(C)/118/2022

R. Lalruatpuia and 2 Ors.
S/o R. Lalchama
R/o Phairuankai, lunglei District, Mizoram.

2: K. Thangmawia

3: Lalbiakdik

VERSUS

State of Mizoram and 4 Ors.
r/b the Chief Secy. to the GOM,
Aizawl.

2:The Secy. to the GOM
EFandCC Deptt.

3:The Principal Chief Conservator Forest
EFandCC Deptt

Advocate for the Petitioner : Ms Dinari T Azyu

Advocate for the Respondent : Ms. Mary Lalruatkimi Khiangte (Addl.AG/G.A. Mizoram) for R1-R5

BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG

JUDGEMENT

Date : 13-10-2023

Heard Mrs. Dinari T. Azyu, learned counsel for the petitioners along with Mrs. Linda L. Fambawl, learned Government Advocate for the State respondents.

2. This writ petition under Article 226 of the Constitution of India has been filed, for issuance of the appropriate writ against the State respondents, for payment of re-location fund to the petitioners, due to the dispossession of their lands and house on the establishment of Thorangtlang Wildlife Sanctuary within Dampui South Village.

3. The learned counsel for the petitioner submits that this is a second round of writ petition filed by the petitioners on their dispossession of the land and house, due to the establishment of Thorangtlang Wildlife Sanctuary within Dampui South Village. This Court vide its Order dated 18.06.2014 in WP(C) No. 104/2013, had directed the respondents to issue show cause notice to the petitioners, so as to give them an opportunity to substantiate that they were residents of Dampui South Village for quite some time requiring their names to be included in the list of household. However, since the petitioners did not receive any response from the State respondents after replying to the show cause notice issued to them, they have approached this Court by way of this writ petition. The learned counsel for the petitioner submits that due to the non-

response of the State respondents, they had made an RTI application vide letter dated 14.12.2021, wherein by perusing of the Office note dated 16.10.2014, they learnt that the representation was not considered favourably. Thereafter, the petitioners had submitted joint representations, the latest date being 16.03.2022 along with recommendations from the Village Council and the YMA. But the representations of the petitioners have not been addressed till date. The learned counsel for the petitioner, therefore prayed that the representations of the petitioners be considered and they may be given the re-location fund which they are entitled to, considering the fact that their names are shown in the Ration Card dated 06.12.2011 and they have also enclosed the House Tax Paying Receipt dated 18.01.2012.

4. Mrs. Linda L. Fambawl, learned Government Advocate submits that the petitioners appear not entitled to the re-location funds since they were not in the Electoral Roll of 2011 and therefore, they were not considered for the re-location funds.

5. Having heard the submissions made by the learned counsels for both the parties, this Court finds that the representation submitted by the petitioners dated 16.03.2022 with some additional documents to prove their entitlement to re-location funds have been left unattended to by the State respondents till

date. Thus, this Court finds that the State respondents have an obligation to consider and address the application/representation made by the petitioners dated 16.03.2022. This Court is therefore not inclined to decide the writ petition on its merits at this stage.

6. Accordingly, this writ petition is disposed of with a direction to the State respondents to consider and reply to the representation made by the petitioners dated 16.03.2022 with a speaking order within 3 (three) months from the date of receiving a certified true copy of this order. Thereafter the petitioners, if still aggrieved are given the liberty to approach the appropriate forum, if so advised.

7. Accordingly, WP(C) No. 118/2022 stands disposed as above.

JUDGE

Comparing Assistant