

GAHC030005512022



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

Case No. : I.A.(Civil)/168/2022

State of Mizoram and Anr.
r/b the Secretary to the Govt. of Mizoram, Health and Family Welfare Dept., Aizawl,
Mizoram 2: The Chief Medical and Health Officer
Health and Family Welfare Dept.
Aizawl
Mizora

VERSUS

Sh Khaiko and 10 Ors.
S/o Zabei (L), R/o Siaha Vaihpi, Siaha 2:Sh K.Machhua
S/o Lehhyo
R/o Mawhro
Siaha District

3:Sh K.Laisa
S/o Kiapo (L)
R/o College Vaih
Siaha

4:Sh H.Beiradua
S/o H.Sidei
R/o New Siaha

5:Sh N.Zitlua
S/o N.Varo (L)
R/o New Siaha

6:Sh C.Lalhranga
S/o C.Zaluta
R/o New Siaha

7:Sh H.C.Valy
S/o H.C.Khahmo

R/o New Siaha

8:Sh H.C.Zirtei
Secretary
ECM
KNP Branch
Bethany
Siaha

9:Sh K.T.Vabeiryudaosa
S/o K.T.Vabeikhokhei
R/o ECM Vaih
Siaha

10:Mara Autonomous District Council
r/b the Executive Secretary
Siaha
Mizoram

11:The Senior Revenue Officer
Mara Autonomous District Council
Siaha
Mizora

Advocate for the Petitioner : Mrs. Linda L Fambawl, Addl.A.G./G.A., Mizoram

Advocate for the Respondent :

Linked Case : WA/20/2022

State of Mizoram and Anr.
r/b Secretary to the Govt. of Mizoram
Health and Family Welfare Dept.
Aizawl
Mizoram

2: Chief Medical and Health Officer
Health and Family Welfare Dept.
Aizawl
Mizoram
VERSUS

Sh Khaiko and 10 Ors.

S/o Zabei (L)
R/o Siaha Vaihpi
Siaha

2:Sh Machhua
S/o K.Lehhya
R/o Mawhro
Siaha District

3:Sh K.Laisa
S/o Kiapo (L)
R/o College Vaih
Siaha

4:Sh H.Beiradua
S/o H.Sidei
R/o New Siaha

5:Sh N.Zitlua
S/o N.Varo (L). R/o New Siaha

6:Sh C.Lalhranga
S/o Zalua
R/o New Siaha

7:Sh H.C.Valy
S/o H.C.Khahmo
R/o New Siaha

8:Sh H.C.Zirtei
Secretary
ECM
KNP Branch
Bethany
Siaha

9:Sh K.T.Vabeiryudaosa
S/o K.T.Vabeikhokhei
R/o ECM
Vaih
Siaha

10:Mara Autonomous District Council
r/b the Executive Secretary
Siaha
Mizoram

11:The Senior Revenue Officer

Mara Autonomous District Council
Siaha
Mizoram

Advocate for the Petitioner : Mrs. Linda L Fambawl
Addl.A.G./G.A.
Mizoram
Advocate for the Respondent : Mr. Victor L Ralte for R1-R9

B E F O R E
HON'BLE MR. JUSTICE MICHAEL ZOTHANKHUMA
HON'BLE MRS. JUSTICE MARLI VANKUNG
ORDER

09.11.2023

(Michael Zothankhuma, J)

Heard Mrs. H. Lalmalsawmi, learned counsel for the applicants who submits that there is a delay of 164 days in filing the appeal against the impugned Judgment and Order dated 02.06.2022 passed by learned Single Judge in WP(C) No. 18 of 2022.

Mrs. H. Lalmalsawmi, learned counsel appears for the applicants and Ms. Caroline K. Lungawipuii, learned counsel appears for the respondent Nos. 1 to 9.

No one appears for the respondent Nos. 10 & 11. However, office note indicates that postal receipts have been returned from the respondent Nos. 10 & 11 in respect of the second notices sent to the respondent No. 10 & 11.

The learned counsel for the applicants submits that the delay in filing the

appeal occurred due to the time taken in making a decision to file this appeal i.e. before the Principal Seat or this Bench and also due to the time taken by the counsel for drafting the appeal, as Puja holidays was around the corner.

The learned counsel for the applicants submits that an analogous appeal is pending before this Court i.e. WA No. 18/2022 with regard to the subject matter and as such, no prejudice would be caused to the respondents, if the present application for condonation of delay is condoned.

Ms. Caroline K. Lungawipuii, learned counsel for the respondent Nos. 1 to 9 submits that she has got no objection to the delay being condoned.

On considering the fact that another appeal i.e. WA No. 18/2022 on the same subject matter, but in relation to a different plot of land is pending before this Court and in view of the reasons stated for condonation by the counsel for the applicants, besides the submission made by the counsel for the respondents, we find that sufficient cause for the delay has been made out. The delay of 164 days is condoned.

IA is accordingly disposed of.

JUDGE

JUDGE

Comparing Assistant