

GAHC020001262023



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

Case No. : I.A.(Civil)/39/2023

SHRI. SALIKUR RAJA KHAN
S/O LATE ATIKUR RAJA KHAN,
PERMANENT RESIDENT OF H.NO-52,
DMC ZELIANGRONG VILLAGE AND ALSO OF H. NO. 418,
MHALIE PESIEYE ROAD, DIMAPUR NAGALAND

VERSUS

THE JAME MASJIT COMMITTEE AND 10 ORS
DIMAPUR, REPRESENTED JOINTLY, COLLECTIVELY
AND INDIVIDUALLY BY THE RESPONDENTS/DEFENDANTS

Advocate for the Petitioner : V. DEVNATH

Advocate for the Respondent :

Linked Case : I.A.(Civil)/30/2023

THE JAME MASJID COMMITTEE AND 10 ORS
REPRESENTED BY ITS PRESIDENT

VERSUS

SHRI SALIKUR RAJA KHAN
S/O LATE ATIKUR RAJA KHAN
H.NO. 52
ZELIANGRONG VILLAGE
DIMAPUR NAGALAND

Advocate for : P. B. PAUL
Advocate for : appearing for SHRI SALIKUR RAJA KHAN

Linked Case : RFA/6/2011

SHRI SALIKUR RAJA KHAN
S/O LATE ATIKUR RAJA KHAN

PERMANENT R/O H/NO.52 DMC ZELIANGRONG VILLAGE
AND ALSO H/NP 418 AT MHALIE PESIEYE ROAD
DIMAPUR
NAGALAND

VERSUS

THE JAME MASJID COMMITTEE
DIMAPUR AND 19 ORS
REPRESENTED JOINTLY
COLLECTIVELY AND INDIVIDUALLY BY THE RESPONDENTS/
DEFANDANTS

2:MD. HALIM KHAN

PRESIDENT
JAME MASJID COMMITTEE
DIMAPUR

3:MD. AHIDUR RAHMAN

WORKING PRESIDENT
JAME MASJID COMMITTEE
DIMAPUR

4:ATAUR RAHMAN

VICE PRESIDENT

JAME MASJID COMMITTEE
DIMAPUR

5:MD. ISRABUL ABDIN TALUKDAR

GENERAL SECRETARY

JAME MASJID COMMITTEE
DIMAPUR

6:MD. NAZIM UDDIN CHOWDHURY
JOINT SECRETARY

JAME MASJID COMMITTEE
DIMAPUR

7:MD. ZIAUR RAHMAN

TREASURER

JAME MASJID COMMITTEE
DIMAPUR

8:MD. MONIUL ISLAM

EXECUTIVE MEMBER

JAME MASJID COMMITTEE
DIMAPUR

9:KHOIRUL ISLAM

EXECUTIVE MEMBER

JAME MASJID COMMITTEE
DIMAPUR

10:MD. MOKSSUD AHMED CHOUDHURY

EXECUTIVE MEMBER

JAME MASJID COMMITTEE
DIMAPUR

11:MD. ABDUL BASIT

EXECUTIVE MEMBER

JAME MASJID COMMITTEE
DIMAPUR

12:MD. KAZI KHOIR UDDIN

EXECUTIVE MEMBER

JAME MASJID COMMITTEE
DIMAPUR

13:MOHAMMAD ALI KHAN

S/O LATE KHAN SHAHEB HAZI MALIGUL KHAN
HAZI PARK
M.P. ROAD
DIMAPUR
NAGALAND

14:FEROZ SHAH KHAN

S/O LATE KHAN SHAHEB HAZI MALIGUL KHAN
HAZI PARK
M.P. ROAD
DIMAPUR
NAGALAND

15:RAHIM KHAN

S/O LATE KHAN SHAHEB HAZI MALIGUL KHAN
HAZI PARK
M.P. ROAD
DIMAPUR
NAGALAND

16:ADIL KHAN

S/O SHAH KHAN

R/O NEPALI CHURCH
DUNCAN BASTI
DIMAPUR
NAGALAND

17:SHAH NAWAS KHAN

S/O LATE ABDUL ROAF KHAN

18:FAROOQUE KHAN

S/O LATE SULEMAN KHAN

19:NAUSAD KHAN
S/O LATE FARID KHAN

20:SHAJID KHAN

S/O LATE GULSHA KHAN AND GRANDSONS OF
LATE KHAN SHAHEB HAZI MALIGUL KHAN
C/O SHRI ADIL KHAN
S/O LATE SHAH KHAN RESIDING NEAR NEPALI CHURCH
DUNCAN BASTI
DIMAPUR
NAGALAND

Advocate for : B. DEVNATH
Advocate for : P. B. PAUL appearing for
THE JAME MASJID COMMITTEE
DIMAPUR AND 19 ORS

BEFORE
HON'BLE MR. JUSTICE KAKHETO SEMA
HON'BLE MR JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 31-05-2023

(K.Sema, J)

Heard Mr. V. Devnath, learned counsel for the applicant and Mr. P.B. Paul, learned counsel for the respondents.

The present application has been filed seeking for modifying the status quo order dated 17.10.2011 passed in CMC No. 4(K)/2011 arising out of RFA No. 6(K)/2011 and for allowing the applicant/appellant to renovate/repair the shop premises. On 26.04.2023, this Court had directed spot verification of the building located at the MP Road under the occupation of M/S Linkwell, and to file report on the status of the building for consideration of the application. In terms of the order dated 26.04.2023 passed by this Court, the Administrator, Dimapur Municipal Council, Nagaland, has by the letter dated 29.05.2023 submitted the Verification Report. The Verification Report is reproduced as under:-

"VERIFICATION REPORT

In reference to the subject cited above, I am to furnish herewith the site report that was carried out on 25/05/2023 at

12:00 noon. The site was verified along with the GB of ward 19 in the presence of both the parties and on verification, it was observed that there is no roof in the said shop. The beam and front shutter and the walls are intact.

This is for your perusal and information."

It is apparent from the Verification Report that the shop verified has no roof however, the beam, front shutter and the walls are intact.

Mr. V. Devnath, learned counsel for the applicant submits that the shop under the occupation of M/S Linkwell being an old house, the roof of the shop fell by itself.

This submission of the learned counsel for the applicant has been strongly objected by Mr. P.B. Paul, learned counsel for the respondents by making a submission that it was the applicant, who himself has dismantled the roof to change the structure of the shop.

Be that as it may, the Verification Report submitted by the Administrator, Dimapur Municipal Council, Dimapur, Nagaland, clearly states that there is no roof in the shop. In view of the report submitted the applicant shall put a new roof to the house without changing the structure of the shop either externally or internally in any manner whatsoever. The construction of the roof of the shop shall be carried out in the presence of the Administrator, Dimapur Municipal Council or his representative and in the presence of the respondents, i.e. the Jama Masjid. The roof of the shop shall be constructed as early as possible, but not later than two weeks from today. The application seeking for modifying the status quo order dated 17.10.2011 and allowing the applicant/appellant to renovate/repair the shop premises is accordingly rejected.

The application accordingly stands disposed.

Sd/-
JUDGE

Sd/-
JUDGE

Comparing Assistant