

GAHC020001852019



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

Case No. : WP(C)/70/2019

KIRHA VILLAGE COUNCIL AND ANR
REP BY THE CHAIRMAN
SHRI VIZOKHOL ANGAMI,
RESIDING AT KIRHA VILLAGE,
DIMAPUR, NAGALAND

2: CHOSEL ANGAMI
HEAD G.B, KIRHA VILLAGE DIMAPUR,
NAGALAND

VERSUS

STATE OF NAGALAND AND 3 ORS
REP BY THE SECRETARY,
DEPARTMENT OF LAND REVENUE,
GOVERNMENT OF NAGALAND, KOHIMA

2: THE DIRECTOR,
DIRECTORATE OF LAND RECORDS AND SURVEY
DIRECTORATE OF LAND RECORDS AND SURVEY,
GOVERNMENT OF NAGALAND, DIMAPUR

3: THE DEPUTY COMMISSIONER
GOVERNMENT OF NAGALAND, DIMAPUR

4: THE COMMANDANT
ASSAM RIFLE TRAINING CENTRE, (ARTC) 3RD MILE,
DIPHUPAR, DIMAPUR, NAGALAND

Advocate for the Petitioner : KEZHOSANO KIKHI

Advocate for the Respondent : GOVT ADV NL

**BEFORE
HONBLE MR JUSTICE KARDAK ETE**

ORDER

Date : 25-07-2023

Heard Ms. K. Kikhi, learned counsel for the petitioner. Also heard Mr. Rainbow Ngullie, learned CGSC for respondent No. 4 and Ms. S. Mere, learned Government Advocate for respondent Nos. 1 to 3.

By filing this writ petition, the petitioners' claims to be chairman and GB of Vilalge Kirha representing the Kirha Village Council, Dimapur, prays for a direction to conduct detailed spot verification of the petitioners' land at *Dag* No. 7 on the ground that the land of the village at *Dag* No. 7 has been encroached by respondent No. 4, i.e. the Assam Rifles.

The case of the petitioner is that by the Settlement Order dated 14.03.1950 the then Deputy Commissioner of Naga Hills allotted 42 acres of land in Diphupar, Dimapur to eight (8) individuals from Viswema Village, Kohima. After such settlement order the land was developed into Kirha Village which has been recognized as Kirha Village by the Government of Nagaland. A spot verification was conducted by the surveyors of the Land Records and Survey, Government of Nagaland, and a report was submitted on 14.04.1997 indicating a total of 32 acres under the occupation of Kirha Village with 10 acres under the occupation of respondent No. 4, Assam Rifles. The petitioner contends that even after encroachment of 10 acres another area at *Dag* No. 7 has again been encroached by respondent No. 4. The petitioner fairly submits that they are not claiming the 10 acres however, the total 32 acres of the land of the Village should be protected and the respondent No. 4 should be directed to vacate the encroached area from *Dag* No. 7.

The petitioners submit that they have submitted Representation to the Deputy Commissioner, Dimapur on 10.01.2002, however, no action

has been initiated to remove the encroachers from the area at *Dag* No. 7 which falls under Kirha Village.

On the other hand, Mr. Rainbow Ngullie, learned CGSC for respondent No. 4 submits that the respondent No. 4 has never encroached the land of the petitioners as alleged. The area under the occupation of the Assam Rifles/respondent No. 4 has been duly allotted by the Government of Nagaland. Initially the total area allotted to the Assam Rifles is about 168 acres and subsequently some portion of the area has been allotted to the Airport Authority of India. Now the total area under occupation of the Assam Rifle is reportedly 132 acres. Therefore, there is no question of encroachment on the land of the petitioners.

Ms. S. Mere, learned Government Advocate for the State contended that though the petitioners claim to have filed a representation, however, there is no record in the Office of the Deputy Commissioner. She submits that the petitioners may be directed to approach the Deputy Commissioner by filing representation afresh if they have any grievances which may be looked into by the Deputy Commissioner.

Having considered the submissions of the learned counsel for the parties, this Court is of the view that in view of the nature of the prayer made in the writ petition, this writ petition can be disposed of by directing the concerned authority/respondent No. 3 to adjudicate the matter in accordance with law.

Accordingly, the petitioners are directed to file a fresh representation before the Deputy Commissioner by placing their grievances as narrated in this writ petition within ten (10) days. On receipt of such representation, the Deputy Commissioner, respondent No. 3 is directed to conduct the Spot Verification at *Dag* No. 7 of the land of the petitioners' Village by giving notice to the petitioners as well as the respondent No. 4 within fifteen (15) days.

It is needless to say that the Deputy Commissioner upon such Verification and a Report that may be submitted would take appropriate

action in accordance with law within a month.

The writ petition is accordingly disposed of.

Sd/-
JUDGE

Comparing Assistant