

GAHC020002262019



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

Case No. : WA/9/2019

PIPHEMA VILLAGE(OLD) AND 2 ORS
THROUGH THE VILLAGE COUNCIL REPRESENTED BY ITS
CHAIRMAN, DIMAPUR, N/L

2: PIPHEMA VILLAGE (NEW)
THROUGH THE VILLAGE COUNCIL REPRESENTED BY ITS
CHAIRMAN, DIMAPUR, N/L

3: PIPHEMA VILLAGE (A)
THROUGH THE VILLAGE COUNCIL REPRESENTED BY ITS
CHAIRMAN, DIMAPUR, N/L

VERSUS

PHERIMA A VILLAGE AND 7 ORS
REPRESENTED BY ITS HEAD G.B MR. VIKATO AYEMI, DIMAPUR, N/L

2:YEKUTO ZHIMOMI
CHAIRMAN PHERIMA A VILLAGE COUNCIL, DIMAPUR, N/L

3:PHERIMA B VILLAGE
REPRESENTED BY ITS HEAD G.B MR. IZHETO ZHIMOMI
, DIMAPUR, N/L

4:TOKIHE ZHIMOMI
CHAIRMAN, PHERIMA B VILLAGE COUNCIL
DIMAPUR, N/L

5:THE STATE OF NAGALAND
REPRESENTED BY THE CHIEF SECRETARY,GOVT.OF NAGALAND
KOHIMA N/L

6:THE COMMISSIONER
GOVT.OF NAGALAND
KOHIMA N/L

7:THE DEPUTY COMMISSIONER
DIMAPUR, N/L

8:THE ADDITIONAL DEPUTY COMMISSIONER
MEDZIPHEMA SUB-DIVISION
DIMAPUR
N/L

Advocate for the Petitioner : R. IRALU, SR. ADV

Advocate for the Respondent : A. ZHIMOMI

BEFORE
HON'BLE MR. JUSTICE KAKHETO SEMA
HONBLE MR JUSTICE KARDAK ETE

ORDER

Date : 28-06-2023

(Kakheto Sema,,J)

By the order dated 17/3/2021 Mr. C.T. Jamir, learned senior counsel was appointed as mediator on behalf of the appellant and Mr. Taka Masa, learned senior counsel was appointed as mediator on behalf of the respondent to resolve the long pending dispute between the appellant and respondent in present appeal. 60 (sixty) days time was prescribed for completion of the mediation from the first date of appearance as per clause Clause 18 of the Rules of 2007. This Court however, in the interest of justice has from time to time extended the time beyond the period of 60 days so as to enable the parties and their mediators to resolve the dispute.

Today when the matter is listed, both the mediators has appeared before the Court and has submitted that the Boundary Dispute Settlement between the appellant and respondent village which is dated 24/6/2023.

The Boundary Dispute Settlement reads as under :-

"Boundary Dispute Settlement between Phepima Village and Pherima village"

There has been a long standing boundary dispute between Phepima Village and Pherima village in between Zumha and Tem River (Theluru and Khuperu streams) since the British time . The two villages had hotly contested the dispute before various administrative authorities and courts since filing of Political Case 45 of 1938 till date. It is presently sub judice before the Hon'ble Division Bench of the Gauhati High Court, Kohima Bench in Writ Appeal No.9 (K) Of 2019. In the spirit of maintaining good neighborly relations, the two villages had mutually agreed upon to settle the boundary disputes through mediation and informed the Hon'ble High Court. The Phepima village had nominated Mr. C.T Jamir Senior Advocate as Mediator and the Pherima Village nominated Mr.-Taka Masa Ao, Senior Advocate as Mediator. Accordingly, the Hon'ble High Court by the order dated 17-03-2021 had appointed Mr. C.T Jamir and Mr. Taka Masa Ao as Mediators and directed for mediation efforts to amicably settle the dispute between the two villages.

The Mediators in presence of authorized representatives from the two villages had conducted spot verification on 19-02-2022. Thereafter, a series of negotiations at the initiatives of the Mediators. The authorized representatives of the two villages had re-visited the area on 19-04-2022. Finally, the two villages had come to an amicable settlement to demarcate the disputed boundary and the demarcation spots was identified by the authorized representatives of the two villages on 31-05-2023 and which was formally accepted by the two villages. Accordingly, the authorized representatives of the two villages had erected seven boundary pillars on 07-06-2023. Six boundary pillars above the old British road and one boundary pillar at the old British road followed by a small stream below the road as the mutually agreed boundary between Phepima village and Pherima village with regard to boundary in between Zumha and Tem river (Theluru and Khuperu streams). A sketch map enclosed herewith. The demarcated boundary shall be final and irrevocably binding upon the two villages. Henceforth, this Mediation Agreement shall supersede all past orders/judgments passed by various administrative authorities and courts and which shall be treated as a nullity. On this day the 24th June, 2023, the authorized representatives of Phepima and Pherima hereby solemnly signed this historic Mediation Agreement to amicably settle the boundary disputes in between Zumha and

Tem river (Theluru and Khuperu streams) based on the spirit of maintaining good neighborly relations, our deep abiding Christian faith of peace, love, forgiveness, reconciliations and to bring blessings to the younger generations in presence of the Chakhroma Public Organization, Western Sumi Hoho and the Mediators.

Representing Pherima Village Representing Phepima village

- | | |
|--|---|
| 1. Vikato Ayemi
Head G.B, Pherima Village | 1. Pelezetuo Kuotsu
President, PKKK |
| 2. Kawoto Zhimo
VCC, Pherima Village | 2. Vineisolie Kehie
VCC, Pherima Old |
| 3. Vihoshe Zhimo G.B | 3. Keneiwhelie Kimho
VCC, Phepima-A |
| 4. T.Hekuto Zhimomi | 4. Kekiezakie Keyho GB
Phepima Old |
| 5. Vitohe Zhimo G.B | 5. Rokowheto Keyho GB
Phepima -A |
| 6. Khutovi Awomi | 6. Chiito Kimho GB
Phepima New |
| 7. Tohuvi Zhimo
VCC, Pherima-B | 7. Diezelhoutu Nakhro
Secretary, PKKK |
| | 8. Zhato Kimho,
VCC, Pherima, New |
| Sd/-
(Taka Masa Ao)
Senior Advocate/mediator | Sd/-
(C.T. Jamir)
Senior Advocate/mediator" |

In terms of the boundary settlement dispute dated 24/6/2023 executed between the appellant and the respondent village the present appeal stands accordingly disposed.

This Court extends deep appreciation to Mr. C.T. Jamir, learned senior counsel and Mr. Taka Masa, learned senior counsel who as mediator has been able to efficiently re-

solved this long pending issue which was continuing for almost 85 years.

The original copy of the Boundary Dispute Settlement dated 24/6/2023 shall be kept in the record.

**Sd/-
JUDGE**

**Sd/-
JUDGE**

Comparing Assistant