

GAHC010218932024



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

Case No. : Tr.P.(C)/92/2024

THE STATE OF NAGALAND
REP. BY ASSTT. LEGAL REMAMBRANCER, DEPARTMENT OF LAW AND
JUSTICE , NAGALAND KOHIMA

2: THE COMMISSIONER TO THE GOVT. OF NAGALAND

KOHIMA NAGALAND

3: THE DEPUTY COMMISSIONER
DIMAPUR NAGALAND

4: THE REVENUE OFFICER
DIMAPUR
NAGALAND

5: THE LAND RECORD SURVEY OFFICER
DIMAPUR
NAGALAN

VERSUS

VINOKA CHISHI AND ORS
S/O- VITOKHU CHISI,
R/O- VILLAGE- K KHEL, DIPHUPHAR VILLAGE, DIST- DIMAPUR,
NAGALAND

Advocate for the Petitioner : SR GA NAGALAND,

Advocate for the Respondent : MS S MOCHAHARI, MR SISHIR DUTTA, MS K BORAH, MR. S DUTTA, MR S DUTTA

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN
ORDER

05.11.2024

Heard Mr. K.N. Balgopal, learned Advocate General, State of Nagaland, assisted by Ms. M. Kechii, learned Additional Senior Government Advocate, for the petitioners. Mr. A. Das, learned counsel for the respondent No.14 and Mr. S. Dutta, learned Senior counsel for rest of the respondents.

Mr. Balgopal, learned Advocate General for the State of Nagaland submits that he has the instruction to withdraw this petition, as by an administrative order dated 04.11.2024 and 03.10.2024, CRP No.2/2024 and CRP No.1/2024 have already been transferred to this Court and as such, this petition becomes infructuous and therefore, Mr. Balgopal has contended to permit him to withdraw this petition.

However, Mr. Das and Mr. Dutta have raised objection on the ground that they have not been furnished with the copy of the administrative order of the Hon'ble Chief Justice by which the CRP No.1/2024 and CRP No.2/2024 were transferred and therefore, contended to direct the Registry to furnish a copy of the same to them.

Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record.

It appears that in this transfer petition the petitioners have prayed for transferring the CRP No.1/2024 and CRP No.2/2024 from Kohima Bench to the Principal Seat of this Court. Further, it appears by an administrative order dated 03.10.2024 and 04.11.2024, Hon'ble the Chief Justice has already transferred both the CRP No.1/2024 and CRP No.2/2024 from the Kohima Bench to the Principal Seat of this Court.

The above being the factual position, this transfer petition becomes infructuous and on such count, I find sufficient ground to permit Mr. Balgopal to withdraw this application. Being the *dominus litis*, he has every right to withdraw the petition on the ground of the

same being infructuous and the objection of the respondents/opposite parties appears to be not at all sustainable. The administrative orders being placed on record by the Registry and available for inspection of the respondents, no direction is required to be made to furnish copy of the same.

Accordingly, this petition stands disposed of on withdrawal.

Sd/- *Robin Phukan*
JUDGE

Comparing Assistant