

GAHC030000112018



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

Case No. : Cont.Cas(C)/24/2017

C Rosangluaia and 7 Ors.

Kawrthah

Mamit

2: P C Lalbiaksanga

Kawrthah

Mamit

3: H Lalchhuanga

Kawrthah

Mamit

4: V L Tawka Pachuau

Kawrthah

Mamit

5: C Lalhmingthanga

Kawrthah

Mamit

6: Biakthanthuama

Kawrthah

Mamit

7: P C Lalhmingliana

Kawrthah

Mamit

8: H Valbuanga

Kawrthah

Mamit

VERSUS

Lalramthanga

Secy PWD Govt. of Mizoram and 18 Ors.

Aizawl

2:Lalramnghaka
Secy LR and S Dept
Govt of Mizoram
Aizawl

3:Lalmalsawma
Secy Finance Deptt
Govt. of Mizoram
Aizawl

4:Lalbiaksangi
DC Mamit
Mamit

5:R Lalrintluanga
CE
PWD
Roads
Govt. of Mizoram
Aizawl

6:J Zothanpuia
SE
PWD
Western Circle
Aizawl

7:R Zirsangliana
EE
PWD
Kawrthah Division
Mamit

8:Lalnunmawia Chuaungo
Secy Finance Deptt Govt. of Mizoram
Aizawl

9:Bhupesh Chaudhury
DC Mamit
Mamit

10:H L Rochungnunga
Secy
PWD
Govt. of Mizoram
Aizawl

11:Sawihlira
Secy
Finance Deptt
Aizawl

12:Dr. Lalrozama
DC Mamit
Mamit

13:Vanlalmuana
SE PWD
Western Circle
Aizawl

Advocate for the Petitioner : Mr Lalfakawma
Advocate for the Respondent : Mr B Lalramenga for R1

Cont.Cas(C)/23/2018

Z Zothansanga and 10 Ors
Kawrthah, Mamit District 2: Lalremmawia

3: Lalchunglura Ralte

4: R Thankimi

5: Ralzidinga Ralte

6: B Lalrosanga

7: Lalthanpuii

8: Lalchunglura Ralte

9: Biakthansanga

10: Lalawi

VERSUS

Lalramthanga and 14 Ors
Aizawl2:R Lalramnghaka
Secy to Govt. of Mizoram
LR and S Deptt.

3:Sawihlira
Secy to Govt. of Mizoram
Finance Deptt

4:Vanlalngaihsaka
DC Mamit

5:R Lalrintluanga
CE PWD
Roads

6:Vanlalmuana
PWD
Mizoram

7:P Lalnunsanga
PWD Kawrthah

8:H L ROchungnunga
Secy to Govt. of Mizoram
PWD

9:Dr. Lalrozama
DC Mami

Advocate for the Petitioner : Mr. T Lalzekima

Advocate for the Respondent : Ms Lalhmingthangi Fanai

BEFORE
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

12.09.2024

Heard Mr. Lalfakawma, learned counsel for the petitioner. Also heard Mr. B. Lalramenga, learned counsel for the respondent Nos. 1, 3, 5, 8, 12 & 13.

This application is filed under Rule 9 of the Contempt of Court (Gauhati High Court) Rules, 1997 read with Section 11 & 12 of the Contempt of Courts Act, 1971 and Article 215 of the Constitution of India bringing notice of the alleged non-implementation of the Judgment & Order dated 13.06.2017 passed by the Hon'ble Court in Review Petition No. 2/2018 alongwith WP(C) No. 122/2016.

The operating portion of the Order dated 10.07.2017 is reproduced hereunder for ready reference:-

“11. In the result, the writ petition is disposed with a direction to the State respondents to take a decision as to whether the land acquisition proceedings should be initiated and completed in terms of the Land Acquisition Act, 1894 or by the Mizoram (Land Acquisition, Rehabilitation & Resettlement) Act, 2016 and its Amendment within a period of 1 (one) month from the date of receipt of a certified copy of this Order. The respondent No.2 i.e., the Commissioner and Secretary to the Government of Mizoram shall cause necessary process to ensure that the decision is taken by the State Government within the stipulated time as directed. Upon the decision being taken, the respondents shall proceed with the acquisition proceedings and complete the entire exercise within a period of 5 (five) months. It is also made clear that the State respondents would be at liberty to consider the case of other similarly situated land owners who are affected due to the construction and up-gradation of KDZKT Road.

Liberty is also given to the State respondents to deduct the financial assistance already given to the petitioners and those similarly situated."

It is submitted at the bar that the acquisition proceedings had been completed in terms of the aforesaid order.

In support of the same, Mrs. Mary L. Khiangte, learned counsel appearing for the respondent No. 15 has submitted a copy of the Award, which was forwarded to the Deputy Commissioner, Mamit District, Mamit by the Under Secretary to the Government of Mizoram, Land Revenue & Settlement Department by letter dated 15.11.2021.

A copy of the said Award alongwith the relevant correspondences handed over to the Court is kept on record and marked as "X".

However, Mr. Lalfakawma, learned counsel for the petitioners submits that though in terms of the Court's Order dated 11.04.2018, the respondents have invoked the provision of Clause A of sub Section 1 of Section 44 of the Mizoram (Land Acquisition, Rehabilitation and Resettlement) Act, 2016, however, the direction to the effect that the land acquisition award shall be made based on market value of the petitioners' land to be determined as on 01.05.2013 (the date the preliminary notification under Section 4 of the Land Acquisition Act, 1894 was published in the Mizoram Gazette) is totally in violation of Section 26 of the said Act, inasmuch as, under Section 26, the date ought to have been from the date on which the Notification under Section 11 of the said Act was issued i.e., 26.05.2020.

Be that as it may, apparent that the order of this Court dated 10.07.2017 stands complied. This Court while exercising contempt jurisdiction cannot go

into the validity of the orders passed by the State Government.

Accordingly, nothing survives for adjudication in the instant contempt petition.

As such, the contempt petition stands closed.

JUDGE

Comparing Assistant