

GAHC030004572021



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

Case No. : WP(C)/125/2021

S. Rualkhuma and 17 Ors.
S/o S. Sokha(L)
R/o Mawhrei, Siaha District

VERSUS

Union of India and 7 Ors.
r/b The Secretary to the Govt. of India,
Ministry of Defence,
Sena Bhavan 101A,
South Block, New Delhi

Advocate for the Petitioner : Mr. Lalchhanliana Khiantge

Advocate for the Respondent : Ms Zairemsangpuii (CGC) for R1 - R3

Linked Case : WP(C)/137/2022

Sh. Z. Hrakhu and 62 Ors.
S/o Zabi (L)
R/o Zyhno
Saiha District.

2: Sh. S. Naithia
S/o S. Hila
R/o Zyhno
Saiha District.

3: Sh. Chotha
S/o Thaki

R/o Mawhro
Saiha District.

4: Sh. K. Rasi
S/o K. Ellau
R/o Mawhro
Saiha District.

5: Sh. N. Ngokhe
S/o N. Machai (L)
R/o Mawhro
Saiha District.

6: Sh. N. Rehu
S/o N. Machai (L)
R/o Mawhro
Saiha District.

7: Sh. KL Simeona
S/o K. Khahmo
R/o Mawhro
Saiha District.

8: Sh. KL. Paul Vanropuia
S/o K. Khahmo
R/o Mawhro
Saiha District.

9: Sh. C. Mate
S/o C. Thaki (L)
R/o Mawhro
Saiha District.

10: Sh. Martin Chozah
S/o C. Mate
R/o Mawhro
Saiha District.

11: Sh. C. Chobi
S/o C. Laizei
R/o Mawhro
Saiha District.

12: Sh. HC Mahlau
S/o HC Khache (L)
R/o Mawhro
Saiha District.

13: Sh. C. Vachhua
S/o C. Ratlo
R/o Mawhro
Saiha District.

14: Sh. K. Raki
S/o K. Lauchhei
R/o Mawhro
Saiha District.

15: Sh. K. Laichhei
S/o Pawta (L)
R/o Mawhro
Saiha District.

16: Sh. H. Khaitlua
S/o H. Hlobie (L)
R/o Mawhro
Saiha District.

17: Sh. C. Vepai
S/o Vanau
R/o Mawhro
Saiha District.

18: Smt. MS Dawnzeli
D/o K. Beilasia
R/o Mawhro
Saiha District.

19: Sh. C. Khaizei
S/o C. Laizei
R/o Mawhro
Saiha District.

20: Sh. KL Khule
S/o KL Chhathau (L)
R/o Mawhro
Saiha District.

21: Sh. K. Meroda
S/o K Khaitlo
R/o Mawhro
Saiha District.

22: Sh. K. Kote
S/o K. Laichha (L)
R/o Mawhro

Saiha District.

23: Sh. B. Laihaw
S/o B. Pathe
R/o Mawhro
Saiha District.

24: Sh. HC Zahe
S/o HC Khachai (L)
R/o Mawhro
Saiha District.

25: Sh. B. Biehne
S/o C. Laikia
R/o Mawhro
Saiha District.

26: Sh. K. Thatei
S/o K. Hraki (L)
R/o Mawhro
Saiha District.

27: Sh. C. Zakho
S/o Ratlua
R/o Mawhro
Saiha District.

28: Sh. F. Paki
S/o Leido
R/o Mawhro
Saiha District.

29: Sh. Thladei
S/o C. Rotei
R/o Mawhro
Saiha District.

30: Sh. Rahu Nohro
S/o N. Beiny (L)
R/o Mawhro
Saiha District.

31: Sh. C. Rotei
S/o C. Laizei
R/o Mawhro
Saiha District.

32: Sh. C. Nawzei

S/o Hrautei (L)
R/o Mawhro
Saiha District.

33: Sh. KL Kaotha
S/o KL Khule
R/o Mawhro
Saiha District.

34: Sh. NB Tlaichhai
S/o N. Salei (L)
R/o Mawhro
Saiha District.

35: Sh. N. Chhieiei
S/o N. Machai(L)
R/o Mawhro
Saiha District.

36: Sh. K. Vabeihneiro
S/o K. Elley
R/o Mawhro
Saiha District.

37: Sh. K. Khaimiechho
S/o K. Diko (L)
R/o Mawhro
Saiha District.

38: Sh. B. Zahmo
S/o B. Pathy (L)
R/o Mawhro
Saiha District.

39: Sh. AZ Chautha
S/o AZ Raihni
R/o Mawhro
Saiha District.

40: Sh. K. Khiha
S/o K. Ailei
R/o Mawhro
Saiha District.

41: Smt. Juliet
D/o FC Zawkhai
R/o Mawhro
Saiha District.

42: Sh. C. Chotha
S/o C. Thaki (L)
R/o Mawhro
Saiha District.

43: Sh. C. Laithlu
S/o C. Khaizei
R/o Mawhro
Saiha District.

44: Sh. B. Sichhua
S/o B. Pathy (L)
R/o Mawhro
Saiha District.

45: Sh.C. Laizei
S/o C. Vahai
R/o Mawhro
Saiha District.

46: Sh. C. Laiphei
S/o C. Chobi
R/o Mawhro
Saiha District.

47: Sh. C. Laiphei
S/o C. Chobi
R/o Mawhro
Saiha District.

48: Smt. Hnaikho Chozah
D/o C. Faihlau (L)
R/o Mawhro
Saiha District.

49: Sh. Diepaw
S/o C. Ngomai
R/o Mawhro
Saiha District.

50: Sh. FC Laihrie
S/o Liado
R/o Mawhro
Saiha District.

51: Sh. S. Va-u
S/o C. Laizei

R/o Mawhro
Saiha District.

52: Sh. KL Chhathau
S/o Teila (L)
R/o Mawhro
Saiha District.

53: Sh. C. Beingachha
S/o C. Pamau
R/o Mawhro
Saiha District.

54: Sh. T. Mapho
S/o T. Neitha
R/o Mawhro
Saiha District.

55: Sh. Sochie
S/o M. Bielie
R/o Mawhro
Saiha District.

56: Sh. K. Hropho
S/o K. Chhalai
R/o Mawhro
Saiha District.

57: Sh. C. Rubena
S/o C. Thaki
R/o Mawhro
Saiha District.

58: Sh. C. Valo
President
MTP President
R/o Mawhro
Saiha District.

59: Sh. C. Zatilei
S/o C. Thaki
R/o Mawhro
Saiha District.

60: Sh. K. Ngotei
S/o K. Matha
R/o Mawhro
Saiha District.

61: Sh. C. Dawchei
S/o C. Ratlo
R/o Mawhro
Saiha District.

62: Sh. FC Vabeiha
S/o FC Beisia
R/o Mawhro
Saiha District.

63: Sh. K. Luatha
S/o K. Hite
R/o Mawhro
Saiha District.
VERSUS

Union of India and 6 Ors.
r/b the Secretary to the Govt. of India
Ministry of Defence
Sena Bhavan-101A
South Block
New Delhi - 110011.

2:The Chief Engineer
Border Road Task Force (BRTF)
Project Pushpak GREF

C/o 99 APO
Thuampui
Aizawl - 796017

3:The Executive Engineer (Civil) Officer Commanding
71 Road Construction Coy (GREF)-930071

C/o 99 APO

4:The Secretary
Land Revenue and Settlement Department
Govt. of Mizoram
Aizawl - 796001

5:The Engineer-in-Chief
Public Works Department
Govt. of Mizoram
Aizawl
Mizoram - 796001

6:The Deputy Commissioner/District Collector
Siaha District
Siaha
Mizoram - 796901

7:The Sr. Revenue and Settlement Officer
Land Revenue and Settlement Department
MADC
Siaha
Mizoram - 796901.

Advocate for the Petitioner : Mr Lalchhanliana Khiangte
Advocate for the Respondent : Ms Zairemsangpuii
CGC for R1-R3

Linked Case : WP(C)/22/2023

Sh M Hniazo and 6 Ors.
Zyhno
Siaha Dist

2: Sh S Neikhu
Chapi
Siaha Dist

3: Sh AZ Teichha
Chapi
Siaha Dist

4: Sh S.Tetu
Chapi
Siaha Dist

5: Sh S Va-u
Chapi
Siaha Dist

6: Sh Tha-ai
Chapi
Siaha Dist

7: Sh M Hniazo
Zyhno
Siaha Dist
VERSUS

Union of India r/b the Secretary to the Govt. of India
Ministry of Defence
New Delhi and 6 Ors.
New Delhi

2:the Chief Engineer
BRTF
Project Pushpak GREF
Thuampui
Aizawl
Aizawl

3:The Executive Engineer(Civil)
Officer Commanding
71 Road Constructions COY (GREF)
Aizawl

4:The Secretary to the Govt. of Mizoram
Land Revenue and Settlement Deptt.
Aizawl
Aizawl

5:The Engineer-in-Chief
PWD
Govt. of Mizoram
Aizawl

6:The Deputy Commissioner/ District Collector
Siaha District
Siaha

7:The Sr.Revenue and Settlement Officer
land Revenue And Settlement Deptt.
MADC
Siaha
Siaha

Advocate for the Petitioner : Mr Haulianthanga
Advocate for the Respondent : Ms Zairemsangpuii
CGC for R1 - R3

Linked Case : WP(C)/13/2023

Sh. H. Chozah and 2 Ors.
Mawhre
Siaha District

2: Smt. M.Awnaw
Mawhre
Siaha District

3: Sh.Beitotha
Mawhre
Siaha District
VERSUS

Union of India r/b the Secy
Ministry of Shipping
Road Transport and Highways and 6 Ors.
Delhi

2:The Chief Engineer (Civil)
Officer Commanding
71 road Construction Coy (GREF)-930071 C/o 99 APO
Delhi

3:The Secretary
Land Revenue and Settlement Deptt.
Government of Mizoram.
Aizawl

4:The Engineer-in-Chief
Public Works Deptt.
Govt. of Mizoram
Aizawl-796001
Aizawl

5:The Deputy Commissioner/ District Collector
Siaha District
Siaha
Mizoram-796901
Siaha
Siaha District

6:The Sr.Revenue and Settlement Officer
Land and Revenue Deptt.
MADC
Siaha
Mizoram-796901
Siaha
Siaha District

Advocate for the Petitioner : Mr A.R. Malhotra
Advocate for the Respondent : Ms Zairemsangpuui (CGC) for R1 - R3

Linked Case : WP(C)/14/2023

Sh. C.Hraulei and 26 Ors.
Mawhre
Siaha District

2: Sh.K.Chamau
Mawhre
Siaha dist.

3: Sh.Z.C. Chozah
Mawhre
Siaha District.

4: Sh. L.Beiryrao
Mawhre
Siaha Dist.

5: Smt. H.Pawnae
Mawhre
Siaha Dist.

6: Sh.C.Beizatha
Mawhre
Siaha Dist.

7: Sh.Beithotha
Mawhre
Siaha Dist.

8: Sh. Cherubi
Mawhre
Siaha Dist.

9: Sh.N.Byhnarona
Mawhre
Siaha Dist.

10: Sh.Haleluia
Mawhre
Siaha Dist.

11: Sh.FC Vabeirahnia
Mawhre
Siaha Dist.

12: Sh.C.Beirava
Mawhre
Siaha Dist.

13: Sh.K.Vakho
Mawhre
Siaha Dist.

14: Sh.K.Beilasia
Mawhre
Siaha Dist.

15: Smt.Jessica C.Ngohnai
Mawhre
Siaha Dist.

16: Sh.C.Rosa
Mawhre
Siaha Dist.

17: Sh.C.Khaima
Mawhre
Siaha Dist.

18: Sh.N.Tonga
Mawhre
Siaha Dist.

19: SH. H.Chozah
Mawhre
Siaha Dist.

20: Sh.Bietotha
Mawhre
Siaha Dist.

21: Smt.C.Pawkhai
Mawhre
Siaha Dist.

22: Sh.K.Rapha
Mawhre
Siaha Dist.

23: Sh.K Elley
Mawhre
Siaha Dist.

24: Sh. T.Byhnathie
Mawhre
Siaha Dist.

25: Sh.C.Vacho
Mawhre
Siaha Dist.

26: Sh.T.Mosa
Mawhre
Siaha Dist.

27: Sh.NC Chozah
Mawhre
Siaha Dist.
VERSUS

The Union of India r/b the Secy
Ministry of Shipping
Road Transport and Highways and 6 Ors.
Delhi

2:The Chief Engineer
BRTF
Project Pushpak GREF
C/o 99 APO
Thuampui
Aizawl
Aizawl

3:The Executive Engineer (Civil)
Officer Commanding
71 Road Construction Coy(GREF)
C/o 99 APO
Aizawl

4:The Secretary
Land Revenue and Settlement Deptt. Govt. of Mizoram
Aizawl

5:The Engineer-in-Chief
PWD
Govt. of Mizoram
Aizawl

6:The Deputy Commissioner/ Dist. Collector
Siaha Dist.

Siaha
Siaha

7: The Sr. Revenue and Settlement Officer
Land Revenue and Settlement Deptt.
MADC
Siaha

Advocate for the Petitioner : Mr A.R. Malhotra
Advocate for the Respondent : Ms Zairemsangpuii (CGC) for R1 - R3

Linked Case : WP(C)/7/2023

Sh. F. Paki and 95 Ors.
S/o Leido (L)
R/o Mawhro
Saiha District.

2: Sh. Singonie
S/o F. Paki
R/o Mawhro
Saiha District.

3: Sh. A. Mahania
S/o Helai
R/o Tipa
Saiha District.

4: Sh. C. Joela
S/o C. Zakho
R/o Mawhro
Saiha District.

5: Sh. K. Khaitha
S/o K. Tekhu
R/o Mawhro
Saiha District.

6: Sh. C. Zakho
S/o C. Ratlo
R/o Mawhro
Saiha District.

7: Sh. T. Mapho
S/o Neitha
R/o Mawhro

Saiha District.

8: Sh. FC Laihrei
S/o FC Liedo
R/o Mawhro
Saiha District.

9: Sh. Vabeihmeilai Hlychho
S/o HC Pakia
R/o Mawhro
Saiha District.

10: Sh. Diepaw
S/o Thakao
R/o Mawhro
Saiha District.

11: Sh. S. Tha-ai
S/o S. Khipho
R/o Mawhro
Saiha District.

12: Sh. C. Rachakao
S/o C. Pamau
R/o Chapi
Saiha District.

13: Sh. C. Hlautei
S/o C. Vabi
R/o Chapi
Saiha District.

14: Sh. C. Pamau
S/o C. Meilao (L)
R/o Chapi
Saiha District.

15: Sh. C. Kacha
S/o S. Rela
R/o Chapi
Saiha District.

16: Sh. K. Khaihlo
S/o K. Hichhau (L)
R/o Chapi
Saiha District.

17: Sh. K. Bieneisa

S/o K. Hrato
R/o Chapi-I
Saiha District.

18: Sh. K. Hrato
S/o Zaphau (L)
R/o Chapi
Saiha District

19: Sh. Zeremiah
S/o S. Tetu
R/o Chapi
Saiha District.

20: Sh. S. Tetu
S/o S. Tledo
R/o Chapi
Saiha District.

21: Sh. S. Va-u
S/o S. Thachai
R/o Chapi
Saiha District.

22: Sh. AZ Manasia
S/o AZ Teichha
R/o Chapi
Saiha District.

23: Sh. AZ Teichha
S/o AZ Mahai
R/o Chapi
Saiha District.

24: Sh. KL Sapai
S/o Hmote
R/o Chapi
Saiha District.

25: Sh. EM Vazei
S/o EM Raichi
R/o Chapi
Saiha District.

26: Sh. K. Teima
S/o K. Kekho (L)
R/o Chapi
Saiha District.

27: Sh. K. Kheisa
S/o K. Khaitha (L)
R/o Chapi
Saiha District.

28: Sh. Ngokhe
S/o KF Chiekhue
R/o Chapi
Saiha District.

29: Sh. FC Vapha
S/o FC Thaucheitha
R/o Chapi-I
Saiha District.

30: Sh. K. Kheiki
S/o K. Lichi
R/o Chapi-I
Saiha District.

31: Sh. CZ Vabie
S/o CZ Rachi
R/o Chapi-II
Saiha District.

32: Sh. K. Laiki
S/o K. Relei
R/o Chapi
Saiha District.

33: Sh. K. Relei
S/o K. Zaphau
R/o Chapi
Saiha District.

34: Sh. K. Ngobei
S/o K. Re-u
R/o Chapi
Saiha District.

35: Sh. C. Napho
S/o Laivie
R/o Chapi
Saiha District.

36: Sh. K. Re-u
S/o K. Zaphau

R/o Chapi
Saiha District.

37: Sh. I. Elekima
S/o S. Siala
R/o Chapi
Saiha District.

38: Sh. S. Ngohra Solo
S/o S. Rela
R/o Chapi-III
Saiha District.

39: Sh. C. Zako
S/o C. Laithau
R/o Chapi
Saiha District.

40: Sh. S. Kaokhai
S/o S. Tledo (L)
R/o Chapi
Saiha District.

41: Sh. AB Beireithai
S/o AB Kaokhai
R/o Chapi
Saiha District.

42: Sh. AB Neli
S/o AB Kaokhai
R/o Chapi
Saiha District.

43: Sh. K. Salai
S/o K. Pheidy
R/o Chapi
Saiha District.

44: Sh. Bieralai
S/o C. Vahlo
R/o Chapi
Saiha District.

45: Sh. Laitu Chozah
S/o C. vahlo
R/o Chapi
Saiha District.

46: Sh. FC semeona
S/o F. Khaima
R/o Chapi
Saiha District.

47: Sh. FC Zawhra
S/o F. Khaima
R/o Chapi
Saiha District.

48: Sh. Bethlehem
S/o Rochie
R/o Chapi
Saiha District.

49: Sh. Hnaiko Chozah
S/o C. Faihlau
R/o Chapi
Saiha District.

50: Sh. C. Neicho
S/o C. Pamau
R/o Chapi
Saiha District.

51: Sh. S. Neikhu
S/o S. Saila
R/o Chapi
Saiha District.

52: Sh. Jerrick
S/o FC Vabi
R/o Chapi
Saiha District.

53: Sh. C. Chehnei
S/o Kilai
R/o Chapi
Saiha District.

54: Sh. FC Vabi
S/o Komau
R/o Chapi
Saiha District.

55: Sh. S. Khaihre
S/o S. Sali
R/o Chapi

Saiha District.

56: Sh. FC Henry
S/o FC Vabi
R/o Chapi
Saiha District.

57: Sh. Beikhaitlo
S/o Pate
R/o Chapi
Saiha District.

58: Sh. KL Sakho
S/o KL Matlei
R/o Chapi
Saiha District.

59: Sh. HC Beichhua
S/o HC Hrautlei
R/o Chapi
Saiha District.

60: Sh. FC Hreikhu
S/o FC Zakhai
R/o Chapi
Saiha District.

61: Sh. K. Khailo
S/o K. Hiechho (L)
R/o Chapi
Saiha District.

62: Sh. K. Hrato
S/o K. Zapho
R/o Chapi
Saiha District.

63: Sh. KL Pawnge
S/o Matleo
R/o Chapi
Saiha District.

64: Sh. AZ Beirazi
S/o AZ Teichha
R/o Chapi
Saiha District.

65: Sh. L. Lepai

S/o L. Haoba
R/o Chapi
Saiha District.

66: Sh. Zate
S/o FC Chikhu
R/o Chapi
Saiha District.

67: Sh. C. Lainge
S/o C. Ngohre
R/o Chapi
Saiha District.

68: Sh. C. Ngohre
S/o C. Laidi
R/o Chapi
Saiha District.

69: Sh. C. Chhiehnei
S/o C. Khimau
R/o Chapi
Saiha District.

70: Sh. EM Meicha Azyu
S/o Haiko (L)
R/o Chapi
Saiha District.

71: Sh. K. Sala
S/o K. Pheidy
R/o Chapi
Saiha District.

72: Sh. K. Pawzo
S/o K. Lichi
R/o Chapi
Saiha District.

73: Sh. Meichei Azyu
S/o AZ Haiko
R/o Chapi
Saiha District.

74: Sh. KL Matlei
S/o KL Vehmo
R/o Chapi
Saiha District.

75: Sh. FC Dahmo
S/o FC Lohrau
R/o Chapi
Saiha District.

76: Sh. C. Chhie-U
S/o C. Zahri
R/o Chapi
Saiha District.

77: Sh. C. Valtea
S/o C. Laivi
R/o Chapi
Saiha District.

78: Sh. K. Vahropathai
S/o K. Valau
R/o Chapi
Saiha District.

79: Sh. K. Valau
S/o K. Ichhie
R/o Chapi
Saiha District.

80: Sh. FC Nonau
S/o FC Lohrau
R/o Chapi
Saiha District.

81: Sh. Beikypacharonah
S/o KT Samao
R/o Chapi
Saiha District.

82: Sh. LV Zahe
S/o LV Lepai
R/o Chapi
Saiha District.

83: Sh. C. Maosi
S/o C. Thachi (L)
R/o Chapi
Saiha District.

84: Sh. C. Chhiephei
S/o C. Thaichi (L)

R/o Chapi
Saiha District.

85: Sh. AZ Neiva
S/o AZ Raihnie (L)
R/o Chapi
Saiha District.

86: Sh. C. Rachho
S/o C. Chhanhrau
R/o Chapi
Saiha District.

87: Sh. KT Ralua
S/o KT Tehu
R/o Chapi
Saiha District.

88: Sh. KL Areli
S/o KL Matlo
R/o Chapi
Saiha District.

89: Sh. Zomai
S/o Zalao
R/o Chapi
Saiha District.

90: Sh. C. Kacha
S/o S. Rela
R/o Chapi
Saiha District.

91: Sh. K. Haichei
S/o K. Hichhau (L)
R/o Chapi
Saiha District.

92: Sh. C. Chhahrau
S/o C. Rachi
R/o Chapi
Saiha District.

93: Sh. K. Teihai
S/o K. Zapho
R/o Chapi
Saiha District.

94: Sh. Daosa Chozah
S/o C. Chehnei
R/o Chapi
Saiha District.

95: Sh. FC Teitlo
S/o FC Teilie
R/o Chapi
Saiha District.

96: Sh. K. Thautu
S/o K. Khuchei
R/o Chapi
Saiha District.
VERSUS

Union of India and 6 Ors.
r/b the Secretary to the Govt. of India
Ministry of Defence
Sena Bhavan 101A
South Block
New Delhi-110011

2:The Chief Engineer
Border Road Task Force (BRTF)
Project Oushpak GREF
C/o 99 APO
Thuampui
Aizawl-796017

3:The Executive Engineer (Civil)
Officer Commanding
71 Road Construction Coy (GREF) - 930071 C/o 99APO

4:The Secretary
Land Revenue and Settlement Department
Govt. of Mizoram
Aizawl - 796001

5:The Engineer-in-Chief
Public Works Department
Govt. of Mizoram
Aizawl
Mizoram - 796001

6:The Deputy Commissioner/District Collector
Siaha District
Siaha

Mizoram - 796901

7: The Sr. Revenue and Settlement Officer
Land and Revenue Department
MADC
Siaha
Mizoram - 796901

Advocate for the Petitioner : Mr. Lalchhanliana Kiangte
Advocate for the Respondent : Ms. Zairemsangpuii
CGC for R1-R3

Linked Case : WP(C)/21/2023

Sh. NT. Ngokhai and 52 Ors
Chheihlu
Siaha Dist

2: Sh Sima
Chheihlu
Siaha Dist

3: Sh VT Vanlalvura
Chheihlu
Siaha Dist

4: Sh FC Chachhua
Chheihlu
Siaha Dist

5: Smt Saisiami
Zyhno
Siaha Dist

6: Sh M Hrohla
Zyhno
Siaha Dist

7: Sh KT Masa
Zyhno
Siaha Dist

8: Smt B Nota
Zyhno
Siaha Dist

9: Sh VT Zacharia
Zyhno
Siaha Dist

10: Smt VT Lalramengzeli
Zyhno
Siaha Dist

11: Sh TT Beilua
Zyhno
Siaha Dist

12: Smt KT Dawhlei
Zyhno
Siaha Dist

13: Sh VT Zachhua
Zyhno
Siaha Dist

14: Smt A Heli
Zyhno
Siaha Dist

15: Sh Z Zamaw
Zyhno
Siaha Dist

16: Smt V Chiasei
Zyhno
Siaha Dist

17: Smt B Khezi
Zyhno
Siaha Dist

18: Sh L Sechho
Zyhno
Siaha Dist

19: Sh JT Ngohneiso
Zyhno
Siaha Dist

20: Sh ZT Chava
Zyhno
Siaha Dist

21: Sh J Malua
Zyhno
Siaha Dist

22: Smt ST Estheri
Zyhno
Siaha Dist

23: Sh C.Khahu
Zyhno
Siaha Dist

24: Sh C Robert
Zyhno
Siaha Dist

25: Sh ST Ahaza
Zyhno
Siaha Dist

26: Sh ST Selua
Zyhno
Siaha Dist

27: Sh M Hmoke
Zyhno
Siaha Dist

28: Smt ST Sori
Zyhno
Siaha Dist

29: Sh B Zatha
Zyhno
Siaha Dist

30: Smt M Danaw
Zyhno
Siaha Dist

31: Sh M Hniazo
Zyhno
Siaha Dist

32: Smt S Hliasi
Zyhno
Siaha Dist

33: Sh VT Bena
Zyhno
Siaha Dist

34: Smt S Sinte
Zyhno
Siaha Dist

35: Sh C Beikhe
Zyhno
Siaha Dist

36: Sh C Thesa
Zyhno
Siaha Dist

37: Sh Beihasa
Zyhno
Siaha Dist

38: Sh ST Makhu
Zyhno
Siaha Dist

39: Sh B Tolo
Zyhno
Siaha Dist

40: Smt J Buachia
Zyhno
Siaha Dist

41: Sh VT Patyu
Zyhno
Siaha Dist

42: Smt Dawma
Zyhno
Siaha Dist

43: Sh S Sokha
Zyhno
Siaha Dist

44: Smt Chini
Zyhno
Siaha Dist

45: Sh H Hunlawmawma
Zyhno
Siaha Dist

46: Smt LC Roselyn
Zyhno
Siaha Dist

47: Sh H Lalramhluna
Zyhno
Siaha Dist

48: Smt M Beikukhei
Zyhno
Siaha Dist

49: Smt Josephine Beingarili
Tipa
Siaha Dist

50: Sh N Laisa
Tipa
Siaha Dist

51: Smt V Beihmosai
Siaha
Siaha Dist

52: Sh ST Selua
Zyhno
Siaha Dist

53: Sh Chhoh Chozah
Zyhno
Siaha Dist
VERSUS

The Union of India r/b the Secretary
Ministry of Defence
New Delhi and 6 Ors.
New Delhi

2: The Chief Engineer
BRTF
Project Pushpak GREF
C/O 99 APO Thuampui
Aizawl
Aizawl

3:The Executive Engineer(Civil)
Officer Commanding
71 Road Constructions COY (GREF)
Aizawl

4:The Secretary
Land Revenue and Settlement Deptt.
Govt. of Mizoram
Aizawl

5:The Engineer-in-Chief
PWD
Govt. of Mizoram
Aizawl

6:The Deputy Commissioner/ District Collector
Siaha District
Siaha

7:The Sr.Revenue and Settlement Officer
Land Revenue and Settlement Deptt
MADC
Siaha
Siaha

Advocate for the Petitioner : Mr Haulianthanga
Advocate for the Respondent : Ms Zairemsangpuii
CGC for R1 - 3

Linked Case : WP(C)/126/2021

K.Khaisa and 25 Ors.
Mawhrei
Siaha District

VERSUS

Union of India and 7 Ors.
r/b Secretary to the Govt. of India
Ministry of Defence
Sena Bhavan
N.Delhi

2:The Chief Engineer

BRTF
Thuampui
Aizawl

3:The Executive Engineer (Civil)
Construction Coy-930071

4:The Secretary
Land Revenue and Settlement Deptt.
Govt. of Mizoram

5:The Engineer-in-Chief
PWD
Govt. of Mizoram

6:The District Collector
Siaha District

7:The Settlement Officer
Land Revenue and Settlement Deptt.
Siaha District

8:The Revenue Officer
Mara Autonomous District Council
Siaha

Advocate for the Petitioner : Mr. Lalchhanliana Khiantge
Advocate for the Respondent : Ms. Zairemsangpuii
CGC for R1-R3

::: B E F O R E :::

THE HON'BLE MR. JUSTICE NELSON SAILO

J U D G M E N T & O R D E R (Oral)

21.11.2024

Parties are represented by their respective counsels. These matters have been clubbed together since the issues involved are similar and identical.

Therefore, they are being disposed of by this common Order.

[2.] Brief facts of the case essential for disposal of the writ petitions is that the Government of Mizoram in the Land Revenue & Settlement Department through the Secretary of the said Department issued a preliminary notification under Section 11 (1) of the Mizoram (Land Acquisition, Rehabilitation & Resettlement) Act, 2016 (Act of 2016) for acquisition of land for construction of Zyhno-Mawhre-Chapi (ZMC Road) under the Ministry of Defence, Govt. of India for maintenance of National Security along the INDO-MYANMAR international border. As per the Schedule, the approximate area/dimension of land to be acquired was shown as 39.6 hectares/22.00 kms long. Thereafter, a final notification was issued by the same authority under Section 40 (2) of the Act of 2016 on 20.01.2021.

[3.] Be it stated herein that a coordinate Bench of this Court in WP(C) No. 20/2014 and WP(C) No. 30/2014 vide a common Judgment & Order dated 15.11.2017 held that the Act of 2016 shall not be applicable in the State of Mizoram and instead, the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (Act of 2013) shall be applicable. Aggrieved with the judgment, the State preferred Writ Appeal Nos. 70 & 71/2018. Therefore, in view of the challenge made in the Writ Appeal, Clause 8 of the preliminary notification dated 16.10.2019 provided that the said notification will not stand in the way of the petitioners or cause any prejudice

to them to make further claim under the Act of 2013 depending upon the outcome of Writ Appeal No. 70/2018 filed by the State Government in the Principal Seat of this Court. With the said caveat, the acquisition proceedings proceeded and culminated with the preparation of Draft Award No. 6/2021 and Draft Award No. 7/2021. The said Draft Awards admittedly were approved by the competent authority and thereafter, the compensation amount that was assessed has been paid to the land owners.

[4.] It is the case of the petitioners that the Act of 2013 being more beneficial, they are entitled to receive compensation as per the assessment made under the Act of 2013. For instance, the solatium that can be granted under the Act of 2016 varies from 10% to 100% of the compensation amount. Whereas, under the Act of 2013, the same is 100% of the compensation amount. The further grievance projected by the petitioners is that 10% of the compensation amount has been deducted as cess by the District Council authorities without any basis and therefore, the deducted amount should be refunded to them. It is also the case of the petitioners that they are not satisfied with the fixation of market value on their respective land and that they should get more than what has been fixed and assessed by the Collector concerned. However, since the State Government has failed to establish Land Acquisition, Rehabilitation and Resettlement Authority in terms of Section 47 of the Act of 2016, the petitioners cannot submit a reference

application under Section 60 of the same Act. It is their case that the aforementioned Sections are paramateria to Section 51 and Section 64 respectively of the Act of 2013. Therefore, the State respondents should be directed to establish the Land Acquisition, Rehabilitation and Resettlement Authority in terms of 2013 Act.

[5.] With the above facts and claims made by the petitioners, the matter was kept pending for some time in view of the pendency of the two (2) Writ Appeals namely, Writ Appeal No. 71/2018 and Writ Appeal No. 70/2018. The said two (2) Writ Appeals have since been considered by the Division Bench of this Court and disposed of vide Judgment & Order dated 30.10.2024. A copy of the Judgment & Order dated 30.10.2024 has been placed before this Court for perusal. Upon perusing the same, it is seen that the Division Bench has upheld the Judgment & Order of the learned Single Judge dated 15.11.2017, by which it was held that the Act of 2016 shall not be applicable to the State of Mizoram and instead it should be that Act of 2013 which should be applied for acquisition of land. It is therefore clear that the provisions to be applied for acquisition of land in the State of Mizoram are the provisions of the Act of 2013.

[6.] In respect of the other claims made by the petitioners i.e., refund of the cess amount deducted from the compensation to be received by them at the rate of 10% of the market value, it may be stated herein that this Court in WP(C) No.

103/2023 and WP(C) No. 60/2023 vide common Judgment & Order dated 21.11.2024 has held that there is no provision under the Mara Autonomous District Council (Land & Revenue) Act, 2018 to deduct cess from the compensation to be received by the land owners and therefore any deduction made is only illegal. Therefore, the authorities have been directed to refund the deducted amount within a time frame. Therefore, the prayer of the petitioners in the instant case is already covered by the referred judgment.

[7.] It may further be noticed that by the aforesaid common Judgment & Order dated 21.11.2024, this Court has also directed the State respondents to establish Land Acquisition, Rehabilitation and Resettlement Authority in terms of Chapter-VIII of the Act of 2013. Therefore, the prayer made by the petitioners in the instant writ petitions is also covered by the said Judgment as well.

[8.] Thus upon perusal of the materials available on record and upon hearing the learned counsels for the rival parties, the writ petitions are disposed of with the following directions:

- 1) The petitioners shall within a period of three (3) weeks submit their respective applications before the District Collector, Siaha, giving all the details of their land which was acquired for the aforementioned purpose while also specifying the amount that they have already

received. The petitioners may also indicate why the amount awarded is not acceptable to them by giving reasons other than non-application of the Act of 2013.

2) The District Collector upon receipt of such applications shall undertake the exercise of re-assessment of the compensation amount to be received by each of the land owners for acquisition of their land by applying the provisions of the Act of 2013, inclusive of the solatium and interest and also interest on delayed payment entitled to each of the land owners. The amount already received by the petitioners as compensation shall be deducted from the assessment and compensation so made. Such an exercise shall be undertaken by the Collector as expeditiously as possible and at any rate, within the outer limit of three (3) months from the date of receipt of the application to be submitted by the petitioners.

3) The Collector after preparing the assessment as per the Act of 2013 shall then obtain the approval of the competent authority in the State Government, if required and thereafter, forward the same to the respondent Union of India represented by the Secretary to the Govt. of India, Ministry of Defence, Sena Bhavan 101A, South Block, New

Delhi-110011, the Chief Engineer Border Road Task Force (BRTF), Project Pushpak GREF, C/o 99 APO, Thuampui, Aizawl-796017 and The Executive Engineer (Civil) Officer Commanding, 71 Road Construction Coy (GREF)-930071 C/o 99 APO who upon receipt of the assessment made by the District Collector shall made necessary arrangement of the fund required and deposit the same before the Collector within three (3) months of receipt of the assessment. The amount shall then be disbursed to the land owners concerned as per the entitlement without delay.

4) Since a direction has already been given by this Court vide common Judgment and Order dated 21.11.2024 in WP(C) Nos. 103 and 60 of 2023 to constitute Land Acquisition, Rehabilitation and Resettlement Authority, the application submitted by the petitioners before the District Collector shall be treated as an application for reference and the Collector shall forward the same before the Authority concerned as and when the same is established. The applications shall then be considered by the Authority in accordance with law.

[9.] With the above observations and directions, the writ petitions are disposed of. No cost.

JUDGE

Comparing Assistant