

GAHC030001262023



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

Case No. : WP(C)/25/2023

Sh. Zokailiana and 4 Ors.
Mission Veng, Aizawl, Mizoram

2: Smt. Chhingi

3: Sh. Zopianga

4: Smt. Zorinpari

5: Smt. Zolianpui

VERSUS

Union of India and 3 Ors.
New Delhi

2:The Defence Estate Officer
Guwahati Circle

3:Secretary
Land Revenue and Settlement Department
Govt. of Mizoram

4:Deputy Commissioner-cum-District Collector
Aizawl District
Mizora

Advocate for the Petitioner : Mr Lalfakawma

Advocate for the Respondent : Ms Zairemsangpuii, CGC for R1 and R2

**BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG
ORDER**

Date : 06-02-2024

Heard Mr. Lalfakawma, learned counsel for the petitioner along with Ms. Zairemsangpuii, learned CGC for respondent Nos. 1 & 2 and Mrs. Mary L. Khiangte, learned Government Advocate for the State respondent Nos. 3 & 4.

2. This writ petition filed under Article 226 of the Constitution is for directing the respondent Nos. 1 & 2 for payment of rental compensation for the period from April, 2012 to 10.06.2018 and for the State respondents to make assessment of the rent payable to the respondents.

3. The learned counsel for the petitioners submits that the petitioners were owners of the properties located at Thuampui Helipad area and the lands have been permanently occupied by the Security Forces from 1966 onwards without paying any rent. Being aggrieved, the petitioners filed WP(C) No. 102/2000 before this Court which was disposed of vide Judgment & Order dated 02.05.2022, directing the respondent No. 1 to pay rental compensation for the period of occupation and also to take a decision to either vacate or to acquire the lands of the petitioners permanently as per law. The respondent No. 4 issued Award No. 6/2012 dated 19.06.2012, whereby rental compensation payable to the petitioners by the respondents was assessed for the period from 1966 till March, 2012. The respondent Nos. 1 & 2 herein approached this Court and filed WP(C) No. 16/2013, challenging the Award No. 6/2012 dated 19.06.2012. However, during the pendency of WP(C) No. 16/2013, the

respondent Nos. 1 & 2 paid the rent for the period between 1966 till March, 2012 and this Court therefore, dismissed the WP(C) No. 16/2013 vide its Order dated 10.02.2023. Thereafter, the respondent No. 1 decided to permanently acquire the lands of the petitioners and accordingly, preliminary notification dated 11.06.2018 was issued by respondent No. 3 and the respondent No. 4 issued Award No. 1/2019 dated 18.07.2019, wherein the lands of the petitioners were acquired. The petitioner has however, approached this Court for non-payment of rental compensation from the month of April, 2012 to 10.06.2018, since rental compensation was paid till 31.07.2021 to the other similarly situated land owners whose lands have been permanently acquired vide Award No. 1/2019. The learned counsel submits that the instant petitioners have not been paid the rental compensation amount during the period April 2012 to 10.06.2018 because of the pendency of the WP(C) No. 16/2013 which was dismissed then.

4. Ms. Zairemsangpuii, learned CGC for the respondent Nos. 1 & 2 submits that the BPs for rental compensation is processed only upto 10.06.2018 (i.e., the date before the preliminary notification) not upto 31.07.2021 and that it is likely to be finalized by the Local Military Authorities for obtaining necessary Government sanction.

5. Mrs. Mary L. Khiangte, learned Government Advocate for respondent Nos. 3 & 4 submits that if a direction is passed by this Court, they will do the necessary assessment for rental compensation between April 2012 to 10.06.2018.

6. Having heard the submissions made by the learned counsels for both the

parties and on finding that it is not disputed by the learned counsel for respondent Nos. 1 & 2 that they are liable to pay the rental compensation between April 2012 to 10.06.2018 for the occupation of the landed area at Thuampui Helipad area by the Security Forces, this Court find it fit that the rental compensation is to be paid for the period between April 2012 to 10.06.2018.

7. Accordingly, the State respondent No. 4 are to make assessment for the rental compensation to be paid to the respondents between the period April 2012 to 10.06.2018 and thereafter, on the assessment being made, the respondent Nos. 1 & 2 are directed to make necessary arrangement for payment of rental compensation to the petitioners within a period of 3 (three) months from the date when a certified copy of this order is duly received by the respondents.

8. Accordingly, WP(C) No. 25/2023 stands disposed of.

JUDGE

Comparing Assistant