

GAHC030001272023



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

Case No. : WP(C)/26/2023

Sh. F. Lallianzuala and 7 Ors.
R/o Bualpui H, Mizoram 2: Sh. K. Thanglura

3: Smt. H. Zasiامي

4: Sh. Rochungnunga

5: Sh. H. Thangzawna

6: Sh. F. Laldika

7: Sh. Zarzoliana

8: Sh. H. Thanghnun

VERSUS

State of Mizoram and 6 Ors.
R/b the Chief Secretary to the Govt. of Mizoram
Land Revenue and Settlement Department, Aizawl 2:The Director

3:The Union of India

4:The District Collector

5:The District Collector

6:The Chief Engineer

7:The Executive Engineer (Civil

Advocate for the Petitioner : Mr F Lalenglina

Advocate for the Respondent : Addl. AG/GA, Mizoram for R1,2,4,5

Linked Case : WP(C)/114/2022

Lalbiaksanga and 46 Ors.
R/o Bualpui H

Mizoram.

VERSUS

The State of Mizoram and 6 Ors.
Aizawl.

Advocate for the Petitioner : Mr F Lalenglina
Advocate for the Respondent : Ms. Mary Lalruatkimi Khiangte (Addl.AG/G.A.
Mizoram) for R1
R2
R4 & R5

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

JUDGEMENT

25.11.2024

Heard Mr. F. Lalengliana, learned counsel for the petitioners in both the writ petitions, Ms. H. Lalmalsawmi, learned Govt. Advocate appearing for the State respondents and Ms. Zairemsangpuii, learned CGC for the respondent Union of India. Both the writ petitions are being taken up for disposal by this common order since the issues involved are similar and identical.

[2.] It is the case of the petitioners that their lands have been affected on account of construction of road at Thingsai – Bualpui H – Saisih – Pangkhua – Sangau within Hnahthial District, which was earlier under the Lunglei District. The construction of road has been undertaken by the 74 RCC (GREF) which is under the Ministry of Defence, Govt. of India. The petitioners contend that their lands have been acquired by the respondents by invoking the provisions of the Mizoram (Land Acquisition, Rehabilitation and Resettlement) Act, 2016 which otherwise was held to be not applicable by a coordinate Bench of this Court vide common Judgment and Order dated 15.11.2017 in WP(C) Nos. 20 & 30 of 2014. Although the petitioners have received the compensation but it is their case that they should be given compensation as per the assessment made under the

provisions of Right To Fair Compensation And Transparency In Land Acquisitions And Resettlement Act, 2013 (Act of 2013). Therefore, they are before this Court seeking for direction to the respondents to assess their land as per the relevant provisions of the Act of 2013 and to pay them their due share of compensation.

[3.] It is submitted at the Bar that writ appeal Nos. 70 & 71 of 2018 challenging Judgment & Order dated 15.11.2017 passed in WP(C) Nos. 20 & 30 of 2014 has already been heard by the Division Bench of this Court and the writ appeals have been dismissed vide Judgment & Order dated 30.10.2024.

[4.] Mr. F. Lalengliana, learned counsel for the petitioners submits that in fact this Court vide Common Judgment & Order dated 21.11.2024 passed in WP(C) No. 125 of 2021 and other similar writ petitions have disposed of all the writ petitions together by directing the Collector concerned to make the assessment in terms of the Act of 2013 and to take consequential steps. The learned counsel therefore submits that the instant writ petitions are squarely covered by the common Judgment & Order dated 21.11.2024.

[5.] The learned counsels appearing for the opposite parties also agree that the instant writ petitions are covered by the common Judgment & Order dated 21.11.2024.

[6.] In view of above, the instant writ petitions are disposed of in terms of the common Judgment & Order dated 21.11.2024 passed in WP(C) No. 125/2021 and other similar writ petitions.

[7.] The writ petitioners shall furnished certified copy of this Judgment & Order along with the common Judgment & Order dated 21.11.2024 passed in WP(C) No. 125/2021 and other similar writ petitions, whereafter, the respondent authorities concerned shall take necessary steps as directed in the said common Judgment & Order.

JUDGE

Comparing Assistant