

GAHC030002032024



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

Case No. : WP(C)/19/2024

Sh. Elvis Chorkhy and 1524 Ors.
S/o Manika (L)
R/o Sihthiang, Mamit - 796081

VERSUS

The Union of India r/b the Secretary to the Govt. of India, Ministry of Home Affairs
and 4 Ors.

Jai Singh Marg, Hanuman Road Area, Connaught Place, New Delhi - 110001

2:The Special Secretary (IS)

Ministry of Home Affairs

3:The Joint Secretary (North East)

Ministry of Home Affairs

4:The Chief Secretary

5:The Principal Secretary (Home

Advocate for the Petitioner : Mr Lalchhanliana Khiangte

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

B E F O R E
HON'BLE MRS. JUSTICE MARLI VANKUNG
O R D E R

27.03.2024

Heard Mr. Lalchhanliana Khiangte, learned counsel for the petitioners along with Ms. Zairemsangpuii, learned CGC appearing for the Union of India/respondent Nos. 1, 2 & 3 and Mr. Samuel Vanlalhriata Chhangte, learned Addl. Advocate General for the State respondent Nos. 4 & 5.

2. This application is filed under Article 226 of the Constitution of India for the issuance of the appropriate writ to the respondents so that the respondents may give uniform rehabilitation packages to all the repatriated Brus families as per the Quadripartite Agreement dated 03.07.2018, which was made in connection with the repatriation of Brus displaced from Mizoram temporarily and living in the camps at Tripura.

3. The learned counsel for the petitioner submits that the second last para of the Quadripartite Agreement dated 03.07.2018 contains the provision "*this Committee will also consider any issues that might arise related to the families which had repatriated earlier*" after the signing of the Quadripartite Agreement, rehabilitation benefit given to those whose families who had repatriated to Mizoram before signing of the Quadripartite Agreement should also be considered by the Joint Monitoring Committee constituted by the Union of India as per the Agreement dated 03.07.2018.

4. The learned counsel for the petitioners submits that in terms of the above mentioned para, a Meeting of the Monitoring Committee on Bru repatriation was held on 10.08.2018 and it was held that as follows :

“5. As regards enhanced package to the already repatriated families to Mizoram, representatives were told that the issue will be considered after repatriation of displaced families to Mizoram.”

5. The learned counsel submits that all the displaced Brus families have now been repatriated to Mizoram, however, inspite of the completion of repatriation no further steps have been taken to consider the case of the already repatriated families, who are the instant petitioners.

6. The learned counsel submits that the previously repatriated families/petitioners, made various representations for consideration of their enhanced package. The first represent was addressed to the Joint Secretary (North East), Ministry of Home Affairs, Govt. of India, New Delhi dated 10th Sept, 2018, thereafter on receiving no response, the second representations dated 22.10.2019 was addressed to the Union Home Minister, however since no response was received another representation dated 20.08.2019 addressed to the Hon'ble Union Home Minister was made by the petitioners, on receiving no response, the petitioners had made a representation to the Secretary, Home Department, Govt. of Mizoram, Aizawl dated 13.09.2019 and thereafter another representation dated 03.12.2019 addressed to the Chief Secretary of Mizoram, Aizawl was made by the petitioners, which received no response. A representation was also made to the Hon'ble Governor of Mizoram, Aizawl dated 13th March, 2022 subject "Prayer to intervene for providing the enhanced packages to those who have been repatriated to Mizoram during the 1st to 7th phases of Bru repatriation". Thereafter, the petitioners again made a representation to the Hon'ble Prime Minister of India, New Delhi dated 16th March, 2020, but no positive response was received.

7. The most recent representation was addressed to the Secretary, Ministry of Home Affairs, Govt. of India and The Special Secretary (IS), Ministry of Home Affairs, Govt. of India dated 14.10.2022, the subject being "*application for payment of equal Rehabilitation Package/Financial Assistance for the families of Bru displaced persons who were repatriated to Mizoram (1st Batch – 6th Batch and self-repatriated during 2010-2016) prior to the signing of Quadripartite Agreement dt.3.7.2018 which provided better rehabilitation, package for the newly repatriated families*, however, till date and no responses have been received from the respondents.

8. The learned counsel for the petitioners submits that the instant writ petition has been filed with a prayer that the respondents may be directed to response to the representation dated 14.10.2022, made by the petitioners for granting payment of enhanced financial assistance to the already repatriated Brus families who were repatriated to Mizoram prior to the signing of agreement dated 03.07.2018.

9. Ms. Zairemsangpuii, learned CGC submits that if the instant writ petition is limited to a prayer for the consideration of the representation dated 14.10.2023, she does not have any strong objection.

10. Mr. Samuel Vanlalhriata Chhangte, learned Addl. Advocate General submits that the State Govt. has to wait for the response from the Union of India and therefore he has nothing to submit at this stage.

11. Having heard the submissions made by the learned counsels for both the parties, it is seen that a Quadripartite Agreement dated 3.7.2018 was made between the Government of India, Government of Mizoram and Tripura and Mizoram Bru Displaced Peoples Forum (MBDPF) which is annexed as annexure-

3, wherein the identified Displaced Persons will be repatriated to Mizoram as per the schedule of repatriation before 30th Sept, 2018. The rehabilitated Brus were to be provided with certain financial assistance and other benefits. The Quadripartite Agreement also contained a paragraph that the committee will also consider any issue that might arise related to the families which had repatriated earlier.

12. Thereafter the 1st Meeting of the Monitoring Committee on Brus repatriation was held on 10.08.2018, where it was decided that the enhanced package of already repatriated families will be considered after repatriation of the displaced families to Mizoram. It appears that the repatriation of the displaced Brus is now completed.

13. The already repatriated Brus being the instant petitioners has made various representation to the concerned authorities the latest is dated 14.10.2022, which is not considered till date, for which the instant writ petition is filed.

14. This court on considering the limited prayer that has been made in the instant writ petition, Court finds it appropriate that the instant writ petition can be disposed of with a direction to the Union of India arrayed as respondent Nos. 1 to 3 to respond to the most recent representation dated 14th Oct.2022 made by the petitioners and to address it with due consideration within 3 (three) months from the date of a receiving a certified copy of this order.

15. The instant writ petition No.19/20224 accordingly stands disposed of as above.

JUDGE

Comparing Assistant