

GAHC030003902023



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

Case No.: I.A.(Civil)/90/2023

North Eastern Electric Power Corporation Limited
Govt. of India Enterprise and 4 Ors.
Head Office at Brookland Compound
Lower New Colony
Shillong
r/b its Chairman and Managing Director

VERSUS

Sh Darkunga and 7 Ors.
S/o Ruma
Zohmun
Mizoram

Advocate for the Petitioner : Mr. V.K.Jindal
Sr.Adv.
Advocate for the Respondent : Mr Lalfakawma for R1-R4

Case No. : I.A.(Civil)/87/2023

North Eastern Electric Power Corporation Limited , Govt. of India and 4 Ors.
Head Office at Brookland Compound, Lower Mew Colony, Shillong r/b its Chairman
and Managing Director

VERSUS

Sh Lalthamanga and 10 Ors.
S/o Zaipuia, Sakawrdai, Mizoram

Advocate for the Petitioner : Mr. V.K.Jindal, Sr.Adv.

Advocate for the Respondent : Mr Lalfakawma for R1-R7

Linked Case : CRP/3/2023

Lalthanmanga and 6 Ors.
Sakawrdai
Mizoram

2: Thanglianichhunga
S/o Kutdenga
Darlawn Venghl
Mizoram

3: Ngurtawni
D/o Zathanga
Ramhlun Venglai
Aizawl

4: Lungtiawia
S/o Darsiama (L)
Darlawn Lungvery Kawn
Mizoram

5: Kawlremthanga
S/o Lianthanga
Zohmun
Mizoram

6: H.K.Dawla

S/o Thangkhuma
Zohmun
Mizoram

7: Thanglura
S/o Lawma
Zohmun
Mizoram
VERSUS

State of Mizoram and 4 Ors.
r/b Chief Secretary

2:Secretary to the Govt. of Mizoram
Land Revenue and Settlement Dept.

3:The Deputy Commissioner-cum-Collector
Aizawl Dist.
Aizawl

4:North Easter Electric Power Corporation and Managing Director
Shillong
Meghalaya - 793003

5:Secretary to the Govt. of Mizoram
Environment and Forest Dept.

Advocate for the Petitioner : Mr Lalfakawma
Advocate for the Respondent : Ms. Mary Lalruatkimi Khiangte for R1
R2
R3 & R5

Linked Case : CRP/6/2023

Darkunga and 3 Ors.
S/o Ruma
Zohmun
Mizoram

2: Darliansanga
S/o Liankunga (L)
Mauchar
Mizoram

3: Kaithuama
S/o Amrenga
Mauchar
Mizoram

4: Chhuhathanga
S/o Thanliana
Palsang
Mizoram
VERSUS

State of Mizoram and 4 Ors.
r/b Chief Secretary

2:Secretary to the Govt. of Mizoram
Land Revenue and Settlement Dept.

3:The Deputy Commissioner-cum-Collector
Aizawl Dist.
Aizawl

4:North Easter Electric Power Corporation and Managing Director
Shillong
Meghalaya - 793003

5:Secretary to the Govt. of Mizoram
Environment and Forest Department

Advocate for the Petitioner : Mr Lalfakawma
Advocate for the Respondent : Ms. Mary Lalruatkimi Khiangte for R1
R2
R3 & R5

Linked Case : I.A.(Civil)/89/2023

North Eastern Electric Power Corporation Limited
Govt. of India Enterprise and 4 Ors.
Head Office at Brookland Compound
Lower New Colony
Shillong
r/b its Chairman and Managing Director

VERSUS

Sh Malsawma and 7 Ors.
S/o Phunga
Mauchar
Mizoram

Advocate for the Petitioner : Mr. V.K.Jindal
Sr.Adv.
Advocate for the Respondent : Mr Lalfakawma

Linked Case : I.A.(Civil)/88/2023

North Eastern Electric Power Corporation Limited
Govt. of India Enterprise
Head Office at Brookland Compound
Lower New Colony
Shillong r/b its Chairman and Managing Director

VERSUS

Sh Vanlalliana and 7 Ors.
S/o Dothanga
Saipum
Mizoram

Advocate for the Petitioner : Mr. V.K.Jindal
Sr.Adv.
Advocate for the Respondent : Mr Lalfakawma

Linked Case : CRP/4/2023

Vanlalliana and 3 Ors.
Saipum
Mizoram

2: Lalniropuia
S/o Dothanga
Saipum
Mizoram

3: Lallungmuana
S/o Rokhawma
Saipum
Mizoram

4: Lalzirliana
S/o Liana
Saipum
Mizoram
VERSUS

State of Mizoram and 4 Ors.
r/b Chief Secretary

2:Secretary to the Govt. of Mizoram

Land Revenue and Settlement Dept.

3:The Deputy Commissioner-cum-Collector
Aizawl District
Mizoram

4:North Easter Electric Power Corporation and Managing Director
Shillong
. Meghalaya-793003

5:Secretary to the Govt. of Mizoram
Environment and Forest Department

Advocate for the Petitioner : Mr Lalfakawma

Advocate for the Respondent : Ms. Mary Lalruatkimi Khiangte for R1 to R3 and R5

Linked Case : CRP/5/2023

Malsawma and 3 Ors.
S/o Phunga
Mauchar
Mizoram

2: Lalvuana
S/o Velzathanga
Mauchar
Mizoram

3: Lalthanngura
S/o K.Nawta (L)
Mauchar
Mizoram

4: K.Thanglura
S/o K.Z.Nawt (L)
Mauchar
Mizoram
VERSUS

State of Mizoram and 4 Ors.
r/b Chief Secretary

2:Secretary to the Govt. of Mizoram
Land Revenue and Settlement Dept.

3:The Deputy Commissioner-cum-Collector

Aizawl District
Mizoram

4:North Easter Electir Power Corporation and Managing Director
Shillong
Meghalaya - 793003

5:Secretary to the Govt. of Mizoram
Environment and Forest Dept.

Advocate for the Petitioner : Mr Lalfakawma
Advocate for the Respondent : Ms. Mary Lalruatkimi Khiangte for R1
R2
R3 & R5

ORDER

BEFORE

HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

16.02.2024

Heard Mr. V.K. Jindal, learned senior counsel assisted by Mr. Roshan Subedi, learned counsel for the applicants. Also heard Mr. Lalfakawma, learned counsel for the respondent Nos. 1 to 7 and Mrs. Linda L. Fambawl, learned Addl. A.G for the State respondent.

This is an application under Sub Rule 2 of Rule 10 of Order 1 read with Section 151 of the Code of Civil Procedure, 1908 to strike out/delete the name of North Eastern Electric Power Corporation Limited impleaded as respondent No. 4 in CRP No. 6/2023 filed by Sh. Darkunga & 3 Others Vs. State of Mizoram & 4 Others.

The case of the applicants is that the applicants by filing the present Civil Revision Petition has assailed the order of the Executing Court by which the

execution proceedings have been dismissed. It is the further case of the applicants that the State Government acquired the subject land and handed over the same to NEEPCO, i.e., applicant in relation to a project. The effected land owners had filed suit for compensation which was allowed and put to execution which was ultimately dismissed.

Mr. V.K. Jindal, learned senior counsel submits that there is no relief sought against the applicants and the compensation is to be paid by the State Government, as it is the State Government who has acquired the subject land and therefore, he submits that the applicant has been improperly added as a arrayed respondent in the connected Civil Revision proceedings which is against the order passed in the execution proceedings.

Mr. Lalfakawma, learned counsel for the respondents submits that he has received no instructions to object to the prayer of striking out the name of the applicant in the Civil Revision Petition.

Mrs. Linda L. Fambawl, learned Addl. AG also submits that she also has received no instructions to object to the prayer of striking out the name of the applicant in the Civil Revision Petition.

I have heard the submissions made at the bar and have perused the materials available on record.

It appears that it is the State Government who has acquired the subject land and who is the competent authority to make the compensation. It further appears from the decision of this Bench in CRP No. 2/2011 which was disposed

of by Judgment & Order dated 02.07.2012 that the impugned direction of the Executing Court in that case to the effect of procuring the compensation from the NEEPCO was set aside.

Considering the submissions advanced and upon perusal of the materials available on record, this Court finds that since no relief is sought against the applicant in the connected Civil Revision proceedings, the applicant is improperly added as a party respondent. As such, in the interest of justice, it is directed that the name of NEEPCO/respondent No. 4 is struck out/deleted in CRP No. 6/2023.

Accordingly, the Interlocutory Application stands allowed and disposed of.

JUDGE

Comparing Assistant