

GAHC030005462024



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

Case No. : WP(C)/93/2024

Sh. David Hmingthanmawia
S/o Sh. M. Lalthanzuala
R/o Ramhlun South, Aizawl, Mizoram

VERSUS

The State of Mizoram r/b the Chief Secretary and 6 Ors.
MINECO, Khatla, Aizawl, Mizoram

Advocate for the Petitioner : Ms Valentina Laldinpuii

Advocate for the Respondent : Addl. AG/GA, Mizoram for R1-7

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

27.08.2024

Heard Ms. Valentina Laldinpuii, learned counsel for the petitioner.

This is an application filed under Article 226 of the Constitution of India for issuance of the appropriate writ or order directing the respondents to acquire the land of the petitioner and pay compensation as per the Rights to Fair

Compensation & Transparency in Land Acquisition, Resettlement & Rehabilitation Act, 2013.

The learned counsel for the petitioner submits that the petitioner was having a landed property located at Luangmual covered under LSC No. Azl-3/1987. During the year 2003, the Geology & Mining, Resources Department had constructed the Geo- Technical Laboratory within the said land. The petitioner, who was having his landed area located at Luangmual covered under the LSC No. 3/1987 had submitted several complaints to the respondents and the matter was also taken up by the respondents. Several spot verifications were conducted, wherein, it was verified and confirmation that the said Geology & Mining Department, Govt. of Mizoram had encroached upon the land of the petitioner and the same was intimated to the respondents, in the duty report dated 16.10.2019 submitted by the Surveyor-I, DLR&S Department of Land Revenue & Settlement Department. The petitioner, in terms of the said duty report submitted by the Surveyor-I, DLR&S dated 16.10.2019, had submitted a representation to the Secretary to the Govt. of Mizoram, Commerce & Industries, Geology & Mining Resources, MINECO, Khatla, Aizawl dated 24.07.2024, for the concerned Department to take necessary steps to vacate the portion of land occupied by the Department by constructing the Geo-Technical

Laboratory which was within the LSC No. AZL-3/1987 and that, if the same was required by the Department, it may be acquired as per the existing laws and that the petitioner should fairly compensated.

The learned counsel for the petitioner submits that in spite of the said representation dated 24.07.2024, the respondents have not taken any steps nor made any response to his representation and hence, the instant writ petition.

Ms. Caroline K Lungawipuii, learned Government Advocate is present and accepts notice on behalf of the State respondents.

On considering the nature of the writ petition filed, this Court, however, finds it fit to dispose of the instant writ petition at the motion stage itself, since it is seen that the writ petitioner has made a representation dated 24.07.2024, which is still pending for consideration and disposal. This Court has noted that the petitioner in his representation, had requested the respondents for the issuance of a direction to the Geology & Mining Resources Department to vacate his land or in the event, the concerned Department wants to occupy his land, the same should be acquired as per the existing laws, so that she is fairly compensated. It is also seen that there is no response from the State respondents till date and in the meanwhile, the instant writ petition has been filed.

Under such circumstances, this Court finds that the State respondents are yet to duly consider the representation filed by the petitioner dated 24.07.2024 and therefore, finds it fit to direct the State respondents to promptly consider the representation dated 24.07.2024 and duly disposed of the same as per the prevailing laws applicable and also by applying the principles of justice and equity and that the same is to be disposed of with the speaking order, within 3 (three) weeks from the date of receipt of a certified copy of this order.

Accordingly, the instant writ petition is disposed of with the above direction.

The petitioner is given the liberty to approach the appropriate forum thereafter, if so advised.

JUDGE

Comparing Assistant