

GAHC020000372021



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

**Case No. : WP(C)/7/2021**

SHRI. ABDUR RAZAK CHOUDHURY  
PROPRIETOR OF M/S SANGAM EGG MART,  
R/O MORGI PATTI, DIAMPUR, NAGALAND

VERSUS

THE STATE OF NAGALAND AND 7 ORS  
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND,  
KOHIMA

2:THE DEPUTY COMMISSIONER

DIMAPUR  
NAGALAND

3:THE EXTRA ASSISTANT COMMISSIONER(REV)  
O/O THE DEPUTY COMMISSIONER  
DIMAPUR  
NAGALAND

4:SMTI. MAHAMUDA KHATUN

C/O INDUSTRIAL ESTATE COLONY  
DIMAPUR  
NAGALAND

5:SMTI. ACHIA KHATUN

C/O INDUSTRIAL ESTATE COLONY  
DIMAPUR  
NAGALAND

6:SMTI. SAHERA KHATUN

C/O INDUSTRIAL ESTATE COLONY  
DIMAPUR  
NAGALAND

7:RABIAS KHATUN

C/O INDUSTRIAL ESTATE COLONY  
DIMAPUR  
NAGALAND

8:SHRI. NITTOVI A. WOTSA

INDUSTRIAL ESTATE COLONY  
DIMAPUR  
NAGALAN

**Advocate for the Petitioner** : C. T. JAMIR, SR. ADV

**Advocate for the Respondent** : GOVT ADV NL

**BEFORE**  
**HON'BLE MR. JUSTICE DEVASHIS BARUAH**

**ORDER**

**19.02.2024**

Heard Mr. Aliba Ozukum, learned counsel appearing on behalf of the petitioner. Mr. Imti Imsong, learned Additional A.G., Nagaland appears on behalf of the respondent Nos. 1, 2 & 3.

None has appeared on behalf of the private respondents on call.

The instant writ petition has been filed by the petitioner challenging the Order dated 20.01.2021, whereby the petitioners objection filed to the mutation granted in favour of the private respondent No. 8 had been rejected. It is the case of the petitioner that the petitioner was granted an oral allotment in the year 1975 and on the basis thereon the petitioner has been carrying out business. Be that as it may, on the basis of materials on record it is the opinion of this Court that for deciding as to whether the petitioner has any right over the land it would require examination of evidence, both oral and documentary,

which this Court, under Article 226 of the Constitution cannot do so. Considering the above, this Court dismisses the instant writ petition on the ground of maintainability.

Be that as it may, the dismissal of the writ petition would not prejudice the petitioner to avail remedies before the competent Court of civil jurisdiction.

Sd/-  
**JUDGE**

**Comparing Assistant**