



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

Case No. : I.A.(Civil)/47/2024

JOHN KHRIESANEIHU AND 5 ORS
S/O S.D. RUPREO
R/O NEW MINISTERS HILLS
KOHIMA TOWN, NAGALAND 797001 2: S.D RUPREO

AGED ABOUT 78 YEARS
HUSBAND OF LATE KEREIU RUPREO
R/O NEW MINISTERS HILL
KOHIMA TOWN
NAGALAND - 797001

3: VIZOVONUO RUPREO

AGED ABOUT 42 YEARS
D/O S.D RUPREO
R/O NEW MINISTERS HILL
KOHIMA TOWN
NAGALAND - 797001

4: KEDUOVITUO RUPREO

AGED ABOUT 38 YEARS
S/O S.D RUPREO

R/O NEW MINISTERS HILL
KOHIMA TOWN
NAGALAND - 797001

5: MHASILENUO RUPREO

AGED ABOUT 36 YEARS
W/O KETHOYAPIE PHIZO
R/O MISSION COMPOUND
NEAR URA ACADEMY

KOHIMA TOWN
NAGALAND - 797001

6: NEILAKUOLIE

AGED ABOUT 35 YEARS
S/O S.D RUPREO

R/O NEW MINISTERS HILL
KOHIMA TOWN
NAGALAND - 79700

VERSUS

THE STATE OF NAGALAND AND 3 ORS
REPRESENTED BY THE SECRETARY, DEPARTMENT OF LAND REVENUE,
GOVERNMENT OF NAGALAND, KOHIMA. 2:THE COMMISSIONER

GOVERNMENT OF NAGALAND
KOHIMA

3:THE DEPUTY COMMISSIONER

KOHIMA DISTRICT
GOVERNMENT OF NAGALAND

4:KIPFELIE TERHASE

RESIDING NEAR ASSEMBLY OF GOD SCHOOL
HOSPITAL COLONY
KOHIMA TOWN
KOHIMA DISTRICT
NAGALAN

Advocate for the Petitioner : R. IRALU, SR. ADV

Advocate for the Respondent : GOVT ADV NL

Linked Case : WP(C)/86/2018

JOHN KHRIESANEIHU AND 5 ORS
NEW MINISTERS HILL
KOHIMA

2: S.D. RUPREO
NEW MINISTERS HILL
KOHIMA

3: VIZOVONUO RUPREO
NEW MINISTERS HILL
KOHIMA

4: KEDUOVITUO RUPREO
NEW MINISTERS HILL
KOHIMA

5: MHASILENUO RUPREO
MISSION COMPOUND
URA ACADEMY

6: NEILAKUOLIE
NEW MINISTERS HILL
KOHIMA
VERSUS

THE STATE OF NAGALAND AND 3 ORS.
KOHIMA

2:THE COMMISSIONER
N/L
KOHIMA

N/L
3:THE DEPUTY COMMISSIONER
KOHIMA
KOHIMA
N/L

4:KIPFELIE TERHASE
RESIDENT NEAR ASSEMBLY OF GOD SCHOOL HOSPITAL COLONY
KOHIMA
N/L

Advocate for : R. IRALU
SR. ADV

Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND AND 3
ORS.

BEFORE
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY
ORDER

09.04.2024

Heard the learned counsel for the parties.

The present application is filed for correction of an typographical error at paragraph 3(VI) and 15 of the Judgment and Order (CAV) dated 08.04.2022 in WP(C)/86/2018.

In the paragraph No. 3(VI) of the said Judgment and Order (CAV) dated 08.04.2022, the following sentence at line 4 was written:

“(of Mr. Kaikho Mao, the father of the present petitioners)”

However, the words “the father of the present petitioners has inadvertently been added and the said Mr. Kaikho Mao is not the father of the petitioners.

In the paragraph 15 of the said Judgment and Order (CAV) dated 08.04.2022, the following sentence was written:

“In the case in hand, admittedly the notice was issued to the father of the petitioners and the father of the petitioners was not the patta holder”

However, the sentence ought have been written as “In the case in hand, admittedly the notice was issued to Shri Chaimainkho Mao and the father of the petitioners was not the patta holder”.

Perused the materials and also read the judgment and order (CAV) passed by this Court in WP(C)/86/2018 under its order dated 08.04.2022.

The challenge made to the writ petition was an order dated 22.01.2014 whereby the order of allotment of land in favour of the predecessor in interest of the petitioners was cancelled and further challenge was eviction order.

This Court under its order dated 08.04.2022 passed in judgment and order (CAV) passed by this Court in WP(C)/86/2018 interfered with such decision.

Perusal of the record clarifies that the errors are primarily typographical error.

The learned counsel for the respondent has also submitted that such typographical error may be corrected.

Accordingly, the present application stands allowed and it is provided that the line at paragraph No. 3(VI) be read as “**Thereafter, the Superintendent Engineer, (PWD(H) submitted a report. The map annexed to the said report shows that the quarter No. 58 is bounded in north by quarter No. 59, in south by one private quarter of Mr. Kaikho Mao, in West by another private quarter and East by private quarter. Thereafter the Chief Engineer, PWD(H) by its communication dated 05.06.2009 addressed to the Commissioner & Secretary, W&H Department submitted the report”.**

And first part of paragraph 15 be read as “**In the case in hand, admittedly the notice was issued to Shri Chaimainkho**

Mao and the father of the petitioners was not the patta holder”.

With the aforesaid, the I.A. stands allowed.

This order should be read along with the Judgment and Order (CAV) dated 08.04.2022 in WP(C)/86/2018.

Sd/-

JUDGE

Comparing Assistant