



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

Case No. : WP(C)/72/2023

SHRI. JANGLALUNG AND ANR
AGED ABOUT 49 YEARS,
S/O LATE POULANPOU,
R/O PEACE LAND COLONY,
MHAINAMTSI VILLAGE,
DISTRICT - PEREN, NAGALAND 2: SHRI. DIPHULUNG KAMEI

AGED ABOUT 38 YEARS

S/O LATE NGAIDAI

R/O PEACE LAND COLONY

MHAINAMTSI VILLAGE

DISTRICT - PEREN
NAGALAN

VERSUS

THE UNION OF INDIA AND 9 ORS
REPRESENTED BY THE SECRETARY,
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS(MORTH), GOVERNMENT
OF INDIA,
1 - PARLIAMENT STREET, TRANSPORT BHAWAN,
NEW DELHI - 110001 2:THE STATE OF NAGALAND

REPRESENTED BY THE CHIEF SECRETARY

GOVERNMENT OF NAGALAND

KOHIMA
NAGALAND

3:THE SUPERINTENDENT OF POLICE

PEREN
NAGALAND

4:THE OFFICER-IN-CHARGE

JALUKIE POLICE STATION

PEREN
NAGALAND

5:THE DEPUTY COMMISSIONER

PEREN
NAGALAND

6:THE ADDITIONAL DEPUTY COMMISSIONER

JALUKIE
PEREN
NAGALAND

7:THE CHIEF ENGINEER

PUBLIC WORKS DEPARTMENT(NH)

KOHIMA
NAGALAND

8:THE MANAGING DIRECTOR
NHIDCL

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (MORTH)
GOVERNMENT OF INDIA
FLOOR BUILDING
4 - PARLIAMENT STREET

NEW DELHI - 110001

9:THE EXECUTIVE DIRECTOR
NHIDCL

R.O. PWD REST HOUSE
PWD COLONY

KOHIMA
NAGALAND

10:SHRI. LUNGZIUDING THOU

CHAIRMAN OF MHAINAMTSI VILLAGE COUNCIL

JALUKIE
PEREN
NAGALAN

For the Petitioner(s) : Mr. Pakinrichapbo, Advocate

For the Respondent(s) : Mr. L. T. Sangtam, Additional Advocate General
: Mr. Sentianger, Advocate
: Ms. N. Solo, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 07.06.2024

Heard Mr. Pakinrichapbo, the learned counsel appearing on behalf of the Petitioners and Mr. Sentianger, the learned Standing counsel appearing on behalf of the Respondent Nos. 1, 8 and 9. I have also heard Mr. L. T. Sangtam, the learned Additional Advocate General appearing on behalf of the Respondent Nos. 2, 3, 4, 5, 6 and 7 and Ms. N. Solo, the learned Standing counsel appearing on behalf of the Respondent No.10.

2. The instant writ petition has been filed by the Petitioners being aggrieved on account of not getting compensation in respect to the lands and/or standing structures/properties pertaining to the Structure No. XL17 of Serial No.175 and Structure No. XL22 of Serial No.188 respectively thereby totaling to an amount of Rs.26,75,289.05/- in respect to construction/widening of the two lane road of NH-129A (Package-3) from Peren to Dimapur by the

Respondents.

3. Pursuant to the filing of the instant writ petition, the Respondent No.10 had filed an affidavit-in-opposition wherein it has been categorically mentioned that the Petitioners have already received the compensation in respect to what the Petitioners were actually entitled to. It has also been mentioned that the Petitioners are not entitled to any other compensation inasmuch as the other lands and properties belonged to their community lands.

4. From a further perusal of the materials on record, it transpires that the Respondent Authorities have duly paid the compensation. However, it is a dispute purely between the Petitioners and the Respondent No.10. Under such circumstances, as the said dispute is purely a civil dispute, the instant writ petition cannot be entertained taking into account that various disputed questions of facts would arise and the same cannot be adjudicated by way of the jurisdiction under Article 226 of the Constitution.

5. Accordingly, this Court dismisses the instant writ petition.

6. Be that as it may, this Court makes it clear that if the Petitioners are aggrieved on account of non-receipt of the compensation, the Petitioner would be at liberty to avail remedies which are otherwise available under law.

Sd/-

JUDGE

Comparing Assistant