



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

Case No. : WA/9/2023

THE JALUKIE VILLAGE COUNCIL
REPRESENTED BY ITS CHAIRMAN MR. HAINKIENG, S/O LATE INGAULUNG,
R/O OLD JALUKIE VILLAGE, DIST- PEREN, NAGALAND

VERSUS

THE STATE OF NAGALAND AND 6 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT.OF NAGALAND
2:THE PRINCIPAL SECRETARY
DEPARTMENT OF SCHOOL EDUCATION
KOHIMA NAGALAND

3:THE PRINCIPAL DIRECTOR
DIRECTORATE OF SCHOOL EDUCATION
NAGALAND KOHIMA

4:THE DISTRICT EDUCATION OFFICER
PEREN NAGALAND

5:THE DEPUTY COMMISSIONER
PEREN NAGALAND

6:SHRI. KIIGUM
PERMANENT R/O PUILWA VILLAGE
PRESENTLY RESIDING AT NEW JALUKIE TOWN
PEREN NAGALAND

7:SMTI. WIDUNSU
W/O MR. N. WLIA
R/O JALUKIE -B VILLAGE
PEREN
NAGALAN

Advocate for the Petitioner : A. ZHIMOMI

Advocate for the Respondent : GOVT ADV NL

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

28.02.2024

(D. Baruah, J.)

The instant appeal has been filed by the appellant being aggrieved by certain observations made in the judgment and order dated 30.05.2023 passed in WP(C) No.316/2017.

2. We have heard the learned counsels appearing on behalf of the appellant as well as the State respondents.

3. The appellant is aggrieved by the contents of paragraph Nos.12, 20 & 21 of the said judgment and order dated 30.05.2023 passed in WP(C) No.316/2017 wherein the learned Single Judge had made certain observations that the Appellant Village has received certain compensation for a particular plot of land.

4. We have duly taken note of that the Appellant Village was not a party to the said writ proceedings. The only grievance which we could discern from the submission of Ms. Lhousino, the learned counsel for the Appellant is that those observations would show that the Appellant Village had taken compensation which is not true and these observations have been without hearing the Appellant Village. She further submitted that the Appellant village did not take away

compensation and as such the observations so made particularly at paragraph Nos.12, 20 & 21 of the impugned judgment and order dated 30.05.2023 passed in WP(C) No.316/2017 may affect the Appellant Village in future if not put to challenge.

5. Taking into account the above grievance and also the fact that the Appellant was not a party in the writ proceedings, we observe that the observations made in paragraph Nos.12, 20 & 21 of the impugned judgment shall not be binding upon the Appellant Village and further shall not act to their prejudice.

6. We have however made it clear that we have not dealt with the other issues which have been decided in the impugned judgment and order dated 30.05.2023 passed in WP(C) No.316/2017 in so far as the dispute between the petitioner therein vis-à-vis the respondents therein.

7. In view of the above, the instant appeal stands disposed of.

JUDGE

JUDGE

Comparing Assistant