

GAHC020005662024

2024:GAU-NL:529



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

Case No. : I.A.(Civil)/146/2024

THE DEPUTY COMMISSIONER, DIMAPUR
DIMAPUR
GOVT. OF NAGALAND

VERSUS

KIRHA VILLAGE COUNCIL AND 2 ORS
REPRESENTD BY THE CHAIRMAN
SHRI VIZOKHOL ANGAMI
RESIDING AT KIRHA, CHUMOUKEDIMA
NAGALAND

2:SHRI CHOSEL ANGAMI
HEAD GB
KIRHA VILLAGE
RESIDING AT KIRHA VILLAGE
CHUMOULEDIMA NAGALAND

3:THE COMMANDANT
ASSAM RIFLE TRAINING CENTRE (ARTC)
3TH MILE
DIPHUPAR
CHUMOUKEDIMA
NAGALAND

Advocate for the Petitioner : GOVT ADV NL,

Advocate for the Respondent : ,

**BEFORE
HONBLE MR JUSTICE KARDAK ETE**

ORDER

Date : 30.09.2024

Heard Ms. V. Suokhrie, learned Additional Advocate General for the applicant/petitioner. Also heard Mr. L. Iralu, learned counsel for the opposite party Nos. 1 & 2 and Mr. W. R. Ngullie, learned counsel for the opposite party No 3.

2. By filing this application under Section 5 of the Indian Limitation Act, 1963, the applicant/Deputy Commissioner has prayed for condonation of delay of 384 days in filing the connected civil review petition of the order dated 25.07.2023 passed in WP(C) No. 70/2019.

3. Ms. V. Suokhrie, learned Additional Advocate General submits that delay in filing the connected civil review petition for review of the order dated 25.07.2023 is neither intentional or due to negligence or lapses on the part of the applicant by narrating the following facts which is as under:

"3. That the applicants humbly state that there is 384 (three hundred and eighty four) days delay in filing the instant applicant and the delays occurred is neither intentional nor due to the negligence or lapses on the part of the applicants but because of the facts narrated herein below:-

i. When the Court passed the Order on 25-07-2023, the present applicant is not the Deputy Commission of Dimapur.

ii. The applicant was transferred and posted as Deputy Commissioner, Dimapur on 16-10-2023.

iii. After he took charge of Deputy Commissioner, Dimapur the applicant was in

receipt of contempt notice dated 10-04-2024 from the petitioners. From then only the applicant came to know about the petitioners/Kirha Village representation dated 03-08-2023 to the then Deputy Commissioner in pursuance of Court direction.

iv. This Hon'ble Court by Order dated 25-07-2023 had directed the Deputy Commissioner Dimapur to conduct spot verification of Kirha Village however, Chumoukedima became a new District on 20-12-2021 and Kirha Village falls under the jurisdiction of Deputy Commissioner, Chumoukedima therefore the applicant by letter No.REV-03/CMD-NIU/2024- D/393 dated 09-05-2024 wrote to Smti.S.Mere, Government Advocate requesting her to file necessary application before the Court.

V. Thereafter the applicant received notice of Civil Original Contempt Petition No.8/2024.

vi. As Smti.S.Mere, Government Advocate has not taken necessary steps; the applicant again by letter No.REV- 03/CMD-NIU/2023-D/3700 dated 16-08-2024 has requested Smti.V.Suokhrie, Additional Advocate General Nagaland to take necessary steps in filing an application before this Hon'ble Court.

vii. That after receiving the said letter, the Additional Advocate General, Nagaland sought for a copy of the Writ Petition as well as all the necessary documents and accordingly a certified true copy of the Judgment and order was made on 27-08-2024 and the same was made ready on that day itself and thereafter the preparation of the Review Petition has started.

Therefore, she submits that the delay of 384 days in filing the connected civil review petition may be condoned. "

4. Mr. L. Iralu and Mr. W. R. Ngullie, learned counsel for the respondents fairly submits that they do not have any objection for condonation of delay of

384 days in filing the connected civil review petition.

5. Having considered the grounds of the applicant to be germane, I am of the view that sufficient cause has been shown by the applicant which prevented the applicant to file connected review petition within time.

6. Considering the grounds noted herein above and having not been objected to the condonation of delay of 384 days in filing the connected review petition, I deem it appropriate to allow this present application. Accordingly, the delay of 384 days in filing the connected review petition is condoned.

7. In terms of the above observation, the present Interlocutory application stands allowed and disposed of.

JUDGE

Comparing Assistant