

GAHC020007052024



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

Case No. : WP(C)/265/2024

SHRI LONGSHITHUNG YANTHAN
S/O RHAMOMO YANTHAN
R/O LAKHUTI VILLAGE
P.STATION-BHANDARI, WOKHA, NAGALAND

VERSUS

THE STATE OF NAGALAND AND 3 ORS
REPRESENTED BY THE CHIEF SECRETARY
NAGALAND KOHIMA 2:THE COMMISSIONER OF NAGALAND
NAGALAND KOHIMA

3:THE DEPUTY COMMISSIONER
WOKHA NAGALAND

4:THE ADDITIONAL DEPUTY COMMISSIONER
BHANDARI WOKHA NAGALAN

Advocate for the Petitioner : S. TEMJEN, TOSHITEMJEN
PONGENER,ALIVI K CHOPHY,TEMSU JAMIR

Advocate for the Respondent : GOVT ADV NL,

**BEFORE
HON'BLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

12.11.2024

Heard Mr. S. Temjen, learned counsel for the petitioner. Also heard Mr. N. Angami, learned Government Advocate for the respondents.

2. The fact of the case in brief as projected by the petitioner is that the petitioner is under the possession as the owner of the land located at Tchupokphen Colony, Bhandari Town as per the Site Permit No. 38 dated 16th October, 1978 issued by the Addl. Deputy Commissioner, Bhandari, Nagaland and since then the petitioner is under possession of the said land wherein the petitioner has constructed a permanent residential building. However, the petitioner came to notice that the Site permit of the boundaries were given clear demarcation as indicated in the Site permit whereas the measurements of the site indicated were much lesser than the actual measurement as per the indicated boundaries as per measurement should be 150' ft x 80' ft but not was wrongly inserted as 80' ft x 80' ft in the Site Permit No. 38 dated 16th October, 1978. Being aggrieved the petitioner has filed the representation dated 15.04.2024 to the Addl. Deputy Commissioner, Bhandari, Nagaland to make necessary correction in the petitioner's Site permit for the errors committed by the respondent authority. No action however, was taken by the Addl. Deputy Commissioner, Bhandari, Nagaland on the representation submitted by the petitioner till date. The present writ petition has been filed with a limited prayer for a direction to the respondent No. 3, i.e. the Deputy Commissioner,

Wokha to dispose the representation dated 15.04.2024.

3. The learned Government Advocate has no objection to the submission made by the learned counsel for the petitioner, if the prayer is limited for disposing the representation dated 15.04.2024, submitted by the petitioner to the Addl. Deputy Commissioner, Bhandari, Nagaland.

4. In view of the submissions made by the learned counsel for the parties, this writ petition is disposed at the motion stage on the submissions made by the learned counsel for the petitioner and the Deputy Commissioner, Wokha is directed to examine the claim of the petitioner and if the claims are found to be supported by the revenue records available then necessary orders be passed within a period of 30 (thirty) days from the date of receipt of a copy of this Order.

5. Needless to say that any order passed by the Deputy Commissioner, Wokha shall be forthwith communicated to the petitioner.

6. Accordingly, the Writ petition stands disposed in view of the limited prayer for a direction to the Deputy Commissioner to dispose of the representation dated 15.04.2024 without expressing any view of the merits of the case.

JUDGE

Comparing Assistant