GAHC020000472024

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

Case No. : I.A.(Civil)/15/2024

MARSANEN OZUKUM AND 4 ORS
S/O LATE TOSHIMANEN OZUKUM
R/O LOWER CHANDMARI
KOHIMA TOWN, DIST- KOHIMA, NAGALAND 797001 2: AOTULA JAMIR
W/O LATE TOSHIMANEN OZUKUM
R/O LOWER CHANDMARI
KOHIMA TOWN. KOHIMA NAGALAND

3: SUPONGWABANG OZUKUM
S/O LATE TOSHIMAEN OZUKUM
R/O LOWER CHANDMARI
KOHIMA TOWN
DIST KOHIMA

4: ROASENLA OZUKUM
D/O LATE TOSHIMANEN OZUKUM
R/O LOWER CHANDMARI
KOHIMA TOWN. KOHIMA NAGALAND

5: MOAJUNGBA OZUKUM
S/O LATE TOSHIMANEN OZUKUM
R/O LOWER CHANDMARI
KOHIMA TOWN. KOHIMA NAGALAN

VERSUS

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, DEPT. OF URBAN DEVELOPMENT, GOVT. OF NAGALAND KOHIMA 2:THE DIRECTOR
DIRECTORATE OF URBAN DEVELOPMENT
NAGALAND KOHIMA

3:THE COMMISSIONER
KOHIMA NAGALAND

4:THE DEPUTY COMMISSIONER
KOHIMA NAGALAND

5:THE FIRST CLASS MAGISTRATE
O/O THE DEPUTY COMMISSIONE

Advocate for the Petitioner : L. IRALU

Advocate for the Respondent : GOVT ADV NL

Linked Case : WP(C)/241/2022

DR. TOSHIMANEN OZUKUM
S/O LATE MAPOZULU
AGED ABOUT 63 YEARS
R/O LOWER CHANDMARI COLONY
KOHIMA
NAGALAND - 797001

VERSUS

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY
DEPARTMENT OF URBAN DEVELOPMENT
GOVERNMENT OF NAGALAND
KOHIMA

2:THE DIRECTOR
DIRECTORATE OF URBAN DEVELOPMENT
NAGALAND
KOHIMA
3:THE COMMISSIONER
KOHIMA
NAGALAND
4:THE DEPUTY COMMISSIONER
KOHIMA
NAGALAND
5:THE FIRST CLASS MAGISTRATE
OFFICE OF THE DEPUTY COMMISSIONER
KOHIMA
NAGALAND

Advocate for : L. IRALU
Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND AND 4

ORS

BEFORE
HON'BLE MR. JUSTICE NELSON SAILO

ORDER

Date : 16-02-2024

Heard Ms. Khriezo, learned counsel for the applicant who submits that by filing this application the applicants seeks substitution of the original writ petitioner Dr. Toshimanen who expired on 29/12/2023 by his legal heirs i.e. his wife and his 4 children whose name are set out in the prayer portion of the application. The learned counsel submits that the cause of action survives therefore substitution of the deceased petitioner is necessary.

The prayer is not objected to by Mr. Imti Imsong, learned Addl. A.G appearing for the opposite parties.

In view of the above the application stands allowed as prayed for.

I.A. is disposed of.

Sd/-
JUDGE

Comparing Assistant