GAHC020000122017

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

Case No. : I.A.(Civil)/68/2024

SHRI SHOMWANG N @ SHOMWANG WANGHAM
S/O NOKZAM WANGHAM
CHIEF ANGH
JABOKA VILLAGE
MON
NAGALAND

VERSUS

THE STATE OF NAGALAND AND 4 ORS
THROUGH THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND
NAGALAND
KOHIMA

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT OF NLD
HOME DEPARTMENT
NAGALAND
KOHIMA
3:THE DEPUTY COMMISSIONER
MON
NAGALAND
4:THE ADDITIONAL DEPUTY COMMISSIONER
TIZIT
MON
NAGALAND
5:SHRI L. NOKMAN KONYAK
S/O LATE WANGSHU KONYAK
R/O TIZIT TOWN
MON
NAGALAND

Advocate for : SENTIYANGER

Advocate for : appearing for THE STATE OF NAGALAND AND 4 ORS

Linked Case : WP(C)/58/2017

L.NOKMAN KONYAK
S/O LT. WANGSHU KONYAK,R/O TIZIT TOWN,MON

VERSUS

STATE OF NAGALAND AND 5 ORS
KOHIMA

2:COMMISSIONER AND SECRETARY
HOME
N/L
KOHIMA

3:DEPUTY COMMISSIONER
MON NAGALAND
MON

4:ADDITIONAL DEPUTY COMMISSIONER
TIZIT
MON

5:HEAD DOBASHI
TIZIT
MON

6:THE MONYIN UNION
TIZIT TOWN
MON
MAGALAND
REPRESENTED BY ITS PRESIDENT
MR. WANGYIE KONYA

Advocate for the Petitioner : SUPU JAMIR

Advocate for the Respondent : GOVT ADV NL

Linked Case : COP(C)/23/2022

SHRI. L NOKMAN KONYAK
S/O LATE WANGSHU KONYAK
R/O TIZIT TOWN
MON NAGALAND

VERSUS

SHRI. PAKON PHOM
NCS AND 2 ORS
THE ADDITIONAL DEPUTY COMMISSIONER
TIZIT NAGALAND

2:SHRI. P. WANGYIE KONYAK
PRESIDENT
MONYIN UNION
TIZIT TOWN
MON NAGALAND
3:SHRI KEYIRANGDING HEGUI
NCS
ADDL. DEPUTY COMMISSIONER AND ADMINISTRATOR
TIZIT TOWN COUNCIL
MON NAGALAND

Advocate for : TONGPOK PONGENER
Advocate for : appearing for SHRI. PAKON PHOM
NCS AND 2 ORS

Linked Case : WP(C)/88/2022

SHRI. L. NOKMAN WANGSHU
S/O LATE WANGSHU KONYAK
R/O TIZIT TOWN
DISTRICT - MON
NAGALAND

VERSUS

THE STATE OF NAGALAND AND 3 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF NAGALAND
KOHIMA

2:THE HOME COMMISSIONER

NAGALAND
KOHIMA
3:THE DEPUTY COMMISSIONER

MON
NAGALAND
4:THE ADDITIONAL DEPUTY COMMISSIONER

TIZIT
MON
NAGALAND

Advocate for : TONGPOK PONGENER
Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND AND 3 ORS

Linked Case : WP(C)/207/2016

L.NOKMAN KONYAK
S/O LT. WANGSHU KONYAK
R/O TIZIT TOWN
MON

VERSUS

STATE OF NAGALAND AND 4 ORS
KOHIMA

2:COMMISSIONER AND SECREATARY
HOME
N/L
KOHIMA
3:DEPUTY COMMISSIONER
MON NAGALAND
MON
4:ADDITIONAL DEPUTY COMMISSIONER
TIZIT
5:HEAD DOBASHI
TIZIT
TIZIT
MON

Advocate for : SUPU JAMIR

Advocate for : GOVT ADV NL appearing for STATE OF NAGALAND AND 4 ORS

BEFORE
HON'BLE MR. JUSTICE BUDI HABUNG

ORDER

23.07.2024

Heard Mr. Sentiyanger, learned counsel for the applicant. Also heard Mr. N. Angami, learned Senior Government Advocate for the State respondents and Mr. Tongpok Pongener, learned counsel for the respondent No. 5.

This is an application under Order I Rule 10(2) of the Code of Civil Procedure, 1908 for impleadment of the applicant in the present writ petition.

The learned counsel for the applicant submits that the applicant's father, the then Chief *Angh* of Jaboka Village had, in 1968 donated a land to the Government of Nagaland in public development interest measuring an area of about 1200 acres for urbanizing Tizit area, Mon district, Nagaland, by introducing development and modernization works. However, the land has not been given for further giving it out to third party private individuals for agricultural or horticultural or private development works. Therefore, the applicant's interest is directly affected in the instant case as title over his land given for public development works to the Government is now being disputed by private individuals.

The learned counsel for the applicant further submits that the applicant will suffer irreparable damage and travesty of justice shall occur if the applicant is not impleaded and allowed to place his case.

The learned counsel for the petitioner filed objection to the said impleadment, however, considering that the applicant can also be given an opportunity to place his side of case, if any, the petitioner has no objection to the impleadment of the applicant as respondent party in the present writ petition with the condition that the applicant file his affidavit within a period of 2 (two) weeks as the matter has already been delayed for a long period.

The learned counsel for the applicant has acceded to the said prayed made by the learned counsel for the respondent/writ petitioner and stated that he will have the affidavit filed within 2 (two) weeks from today.

In view of the above, this I.A. is allowed, as a result, the applicant be impleaded as respondent No. 5.

Sd/-
JUDGE

Comparing Assistant