



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

Case No. : WP(C)/42/2021

SHRI VIWOTO YEPHO @ VIHOTO AND 71 ORS
GB,
PURANA BAZAR B VILLAGE,
DIMAPUR, NAGALAND

2: SHRI TOVISHE YEPHO
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

3: SHIKAVI
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

4: SHRI HIMATO CHISHI
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

5: SHRI ABOVI K WOTSA
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

6: BENJAMIN A SWU
PURANA BAZAR B VILLAGE

DIMAPUR

NAGALAND

7: K PHILIP SUMI
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

8: M YANGER AIER
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

9: TIAYAPANG
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

10: T NUNGSHI
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

11: TIANUNGLA
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

12: LIPOKTEMJEN
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

13: BENDANGWAPANG
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

14: TEMJENKABA
PURANA BAZAR B VILLAGE

DIMAPUR

NAGALAND

15: T NYMTHUNGO
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

16: TONGPONGNUNGLA
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

17: RENDITEMJEN
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

18: TEMSUCHIBA
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

19: IMNAYANGER
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

20: IMOTIBA
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

21: ASANGLA PONGEN
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

22: HUNGEANG
PURANA BAZAR B VILLAGE

DIMAPUR

NAGALAND

23: S IMO
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

24: KONANGTUBA
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

25: RENDITEMJEN AO
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

26: S YANGER
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

27: IMKONGLONG
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

28: LIPOKTEMJEN
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

29: WATINUNGSANG
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

30: TEMJENKABA
PURANA BAZAR B VILLAGE

DIMAPUR

NAGALAND

31: MERENTULA
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

32: MARTOZUNG
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

33: SENKILEMBA
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

34: MAYANG YADEN
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

35: LANUCHUBA
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

36: CHUBANUNGSANG
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

37: ALILEMZUNG
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

38: SUPONG
PURANA BAZAR B VILLAGE

DIMAPUR

NAGALAND

39: VIKIHO ZHIMO
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

40: KHEKATO KINNY
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

41: NUKLU JAMIR
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

42: VIKY
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

43: T MEREN
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

44: L TEMJEN
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

45: ZULU YADEN
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

46: HEKIYE
PURANA BAZAR B VILLAGE

DIMAPUR

NAGALAND

47: G PUKATO SEMA
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

48: VITOLI
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

49: ANUNG AO
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

50: SHIKAHO KINNY
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

51: AKAVI V ZHIMO
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

52: KHETOLI AYE
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

53: KHEKUGHA
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

54: KAKIKA
PURANA BAZAR B VILLAGE

DIMAPUR

NAGALAND

55: HOVUKHU AWOMI
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

56: SEMANTO YEPHOTH
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

57: VISHEPU
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

58: MUGHAHO
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

59: TOVISHE
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

60: AKATO AYE
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

61: RAPHIMO
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

62: VILOPU AWOMI
PURANA BAZAR B VILLAGE

DIMAPUR

NAGALAND

63: NIKHEHO
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

64: AKETO ZHIMO
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

65: RAJESH MECH
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

66: SHIKAHO
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

67: HOPUTO YEPHO
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

68: HOKUGHA YEPHO
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

69: AKAVI ZHIMO
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

70: HONITO CHOPHY
PURANA BAZAR B VILLAGE

DIMAPUR

NAGALAND

71: I CHUBA PONGENER
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND

72: VIKHETO KITS
PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAN

VERSUS

STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT
OF NAGALAND, KOHIMA

2:THE COMMISSIONER
NAGALAND
KOHIMA

3:THE DEPUTY COMMISSIONER
DIMAPUR
NAGALAND

4:M LONGRI AO
PEACE MANSION

H/NO 103
LANE 2
DUNCAN BOSTI
DIMAPUR
NAGALAND

5:THE VILLAGE COUNCIL

PURANA BAZAR B VILLAGE

DIMAPUR
NAGALAND
REPRESENTED BY ITS CHAIRMAN SHRI KIYEZHE YEPTH

Advocate for the Petitioner : TONGPOK PONGENER, S REOPI,TONGPANG JAMIR,M.
ATHAI,LAKNYEI PHOM

Advocate for the Respondent : GOVT ADV NL,

BEFORE

HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER

Advocates

For the Petitioner	: Mr. Tongpok Pongener, Adv
For the State respondent Nos. 1,2&3	: Mr. N. Angami, Sr. Govt. Adv
For the respondent No. 4	: Mr. T.B Jamir, Adv
Date of Hearing	: 14.10,2025 & 16.10.2025
Date of Judgment	: 06.11.2025

JUDGMENT & ORDER (CAV)

The petitioners in the present writ petition are residents of Purana Bazar 'B', stated to be a recognized village in Nagaland. It is contended in the petition that the Nagaland Village Councils Act of 1978 provides that any land belonging to the village can be allotted only by the village council to any individual.

2. The brief facts of the petitioner's case is that Dag No. 104 is a

water-logged area of land measuring 195B-1K-3L under the Purana Bazar B village Dimapur established in the year 1942. It is stated that the scale map of the village prepared by the District Administration in 1971-72 clearly shows Dag No. 104 within the village boundary. It is stated that the said land is village land and recognized as such by the Nagaland Village Council Act 1978. In 1973 the Purana Bazar Cooperative Joint Farming Society Ltd., consisting of some members of the village, applied for settlement of Dag No. 104 and the then Sub-Divisional Officer (Civil), Dimapur, by Order dated 22.03.1973, allowed temporary settlement of the said land to the Society, pending finalization of the map and subject to approval of the Deputy Commissioner, Kohima.

3. It is further stated in the writ petition that the Village Council of Purana Bazar B allotted portions of Dag No. 104 to the villagers and the petitioners are also beneficiaries of such allotments.

4. It is further stated that in the year 2006, one Shri. T. A. Ngullie encroached into Dag No. 104 by erecting boundary pillars claiming that he had been allotted the same by the Government in 1986. The Purana Bazar B Village Council offered strong resistance to protect their village land, and thereafter Shri. T.A Ngullie did not take possession of Dag No. 104.

5. At this juncture, the respondent No. 4 and one Smti Kuholi Achumi claimed ownership over the Dag No. 104 claiming to have purchased the land from Shri T.A. Ngullie. And in the year 2020, they started

earth filling work in all the areas of Dag No. 104. Thereafter the petitioners immediately stopped the ongoing work and compelled them to vacate the land along with all the machinery.

6. Meanwhile Smti Kaholi Achumi filed a Civil Suit registered as Civil Suit No. 01/2020 before the Court of Civil Judge, Senior Division, Dimapur Nagaland, impleading the petitioner Nos. 1 and No. 21 as defendants, seeking a decree for declaration of right and title over the land and perpetual injunction restraining the defendants from disturbing the plaintiff from developing the land. The said civil suit is still pending before the Court of Civil Judge Senior Division, Dimapur. On 15.10.2020, the respondent No. 4 again encroached upon the Dag No. 104 with laborers and started erecting thatch houses. When the villagers/petitioners confronted him, he produced a restraining Order dated 14.10.2020, issued by the Deputy Commissioner, Dimapur.

7. The petitioners therefore submitted a representation before the Deputy Commissioner, Dimapur dated 31.10.2020 praying for immediate revocation of the restraining order dated 14.10.2020. However the Deputy Commissioner, Dimapur did not vacate the restraining order dated 14.10.2020 and instead directed all parties concerned to maintain status quo until the matter was disposed of.

8. Being aggrieved by the restraining Order dated 14.10.2020, the petitioners preferred a writ petition being WP(C)/192/2020 and this Court by order dated 08.12.2020 disposed of the writ petition with a direction to the Deputy Commissioner, Dimapur to dispose of the

matter concerning the restraining order within a period of 2(two) months

9. It is further stated in the writ petition that the Deputy Commissioner, Dimapur in compliance of the Order of this Court dated 08.12.2020 directed all the parties to appear before him on or before 10.01.2021 with all supporting documents. The petitioners appeared before the Deputy Commissioner Dimapur, on 08.01.2021 and submitted all their documents. The land survey officials also visited the spot on 08.02.2021. Thereafter by the impugned order dated 11.02.2021, the Deputy Commissioner, Dimapur held that the respondent No. 4 is the rightful owner of the land in question and issued restraining order upon the village council chairman and the members/petitioners from interfering with the peaceful possession or obstructing the developmental activities carried out by the respondent No. 4. Aggrieved by the impugned order dated 11.02.2021 passed by the Deputy Commissioner Dimapur, the petitioners are before this Court.

10. Heard learned counsel for the petitioner, Mr. Tongpok Pongener. Also heard Mr. N. Angami, learned Senior Government Advocate for the respondents Nos. 1, 2 and 3 and Mr. T.B Jamir, the learned counsel for the respondent No. 4.

11. The learned counsel for the petitioner submits that the disputed land/Dag No. 104 falls within the Jurisdiction of the Purana Bazar 'B' village and therefore the Deputy Commissioner, Dimapur has no

jurisdiction to issue patta or to take up and hear the matter regarding encroachment in Dag No. 104. It is submitted that any allotment made by the District administration is void ab initio as Dag No. 104 is village land. Therefore, the allotment order made to Shri T.A Ngullie by Order No.LR/2-27 dated 15th July, 1985 is void and illegal as the allotment was made without jurisdiction and so also the mutation in favor of the respondent 4.

12. Learned counsel also submits that the respondent No. 4 had written a complaint to the Deputy Commissioner, Dimapur, Nagaland dated 05.03.2020 praying for a restraining order on illegal obstruction in respect of land under Patta No. 1091, Dag No. 104/1638 under Mouza No. 3 situated at Purana Bazar Dimapur. It was on the basis of this complaint that the Deputy Commissioner, Dimapur issued the restraining order dated 14.10.2020. The petitioners therefore submit that the Deputy Commissioner, Dimapur could not have adjudicated the matter as it pertains to village land. Learned counsel for the petitioners had referred to a Judgment dated 22.09.2022 passed in WP(C)/40/2019 passed by a Coordinate Bench of this Court. In the aforementioned writ petition, the case of the petitioner was that he had been allotted a plot of land at Dag No. 104 of Purana Bazar village by the Purana Bazar B, village council. However, upon a complaint by the private respondent, the Deputy Commissioner, Dimapur had cancelled the village council patta and issued eviction order against the petitioner. The case of the petitioner in the said case was that the land in question was a village land and not within the ambit of government

land. Upon considering the submission of the parties, the court held that it is only the civil court which has competence and jurisdiction to adjudicate a matter of right, title and interest over a particular area. The court further held that in the absence of any proof that the disputed land falls under the government land, the Deputy Commissioner Dimapur could not have issued the eviction order. Subsequently the order of the Deputy Commissioner, Dimapur cancelling the patta of the petitioner and the eviction order issued to the petitioner were quashed and set aside. And liberty was granted to any aggrieved party to approach the competent Civil Court for redressal of any grievances, if so advised.

13. Learned counsel for the petitioner submits that the present case is squarely covered by the Judgment dated 22.09.2022 passed in WP(C)/40/2019. It is submitted that the Judgment dated 22.09.2022 has attained finality as no appeal has been preferred against the same.

14. Another submission made by the learned counsel for the petitioner is that this Court by order dated 08.12.2020 in WP(C)/192/2020 had directed the Deputy Commissioner to dispose of the matter pending before him. However, the proceeding was conducted by the Revenue-cum-Settlement Officer in the absence of the Deputy Commissioner and the impugned order was passed by the Revenue-cum-Settlement Officer. Therefore, the impugned order is an abdication of function by an administrative authority and therefore the impugned order stands vitiated.

15. Learned counsel also submits that considering the disputed question of fact and law involved in the case the Deputy Commissioner, Dimapur ought to have concluded that he could not give a definite ruling in the matter and that he was not competent to adjudicate the dispute in his administrative capacity. Accordingly, the Deputy Commissioner, Dimapur, should have dismissed the application of the respondent No. 4 and directed him to pursue the matter before a competent civil court. However, by not doing so, and having passed a judgment declaring the respondent No. 4 as the rightful owner of the land in question, grave injustice has been done to the petitioners.

16. Learned counsel for the petitioner therefore submits that Dag No. 104 under Purana Bazar 'B' Village, being village land and recognized by law to be land belonging to the population of the land, the Deputy Commissioner, Dimapur has no power under law to dispossess the people of the village of their land as it was done in the instant case. The Deputy Commissioner, Dimapur has therefore overstepped his jurisdiction and acted in abuse of power. It is further submitted that the disputed land being village land will be governed by the Nagaland Village Councils Act, 1978 and not the Assam Land and Revenue Regulations 1886. The petitioners have therefore prayed for issuance of a writ of certiorari quashing and setting aside the impugned order dated 11.02.2021 and a further direction to the respondents not to take any action adverse to the rights of the petitioners in respect of the land under Dag No. 104, Purana Bazar 'B' village, Dimapur. The learned counsel for the petitioner has relied upon the following cases in support of his submissions:

(i) ***A.C. JOSE Versus SIVAN PILLAI AND OTHERS*** reported in ***(1984) 2 SCC 656***

(ii) ***PUBLIC SERVICE COMMISSION, UTTARANCHAL Versus JAGDISH CHANDRA SINGH BORA AND ANOTHER*** reported in ***(2014) 8 SCC 644***

iii) ***ASHA JOHN. DIVIANATHANVS.VIKRAMMALHOTRA AND ORS.*** In ***Civil Appeal No. 9546 of 2010***

17. Learned Senior Government Advocate, Mr. N. Angami has filed an affidavit-in-opposition on behalf of respondent Nos. 1, 2 and 3. Relying on the contentions made in the affidavit-in-opposition, learned senior Government Advocate submits that the Purana bazaar 'B' Village falls within the cadastral map of Dimapur Town and therefore, the Assam Land Revenue Regulations, 1886 (herein after referred to as the Regulations of 1886), is applicable and for which land documents, survey maps and records are maintained by the government and not by the village council. The land which falls under the cadastral surveyed areas such as the land at Purana Bazar 'B' village are under the Dimapur Mouza and the power to allot/settle land rests with the government and not with the village council. It is stated that the Purana Bazar 'B' Village falls under the cadastral area and the village is assigned with the Dag No. 104 and the village falls under the category of revenue paying village. It is stated that the order dated 22.03.1973 issued by the SDO Civil Dimapur is a temporary settlement of a specific area of land under Dag No. 104 of Purana Bazar Village in Dimapur pending finalization of the map and the Order of 22.03.1973 was issued with a condition that the same is subject to the approval of the Deputy Commissioner, Kohima. The petitioners have not produced any

document to show that the temporary settlement order dated 22.03.1973 has been made permanent or that the Deputy Commissioner, Kohima had given his approval.

18. Learned Government Advocate also states that the Office of the Deputy Commissioner, Dimapur had issued a notice dated 31.07.2002, a copy of which was issued to all the village council chairman under Dimapur District for compliance wherein it was directed that the GBs, Chairman of Villages, colonies shall not issue any land patta as there is no patta system in the villages in Nagaland other than in cadastral area to be issued by the Government. The notice further stated that any land patta/ local patta issued by any village council/ GB or chairman is null and void and will not be accepted as a document. Therefore the pattas issued to the petitioners in Dag No. 104 by the village council is illegal/ null and void.

19. Learned Government Advocate also submits that vide letter dated 15.07.1985 issued by the Government of Nagaland, Department of Land Revenue approval was conveyed for allotment of land to one Shri. T.A Ngullie under Dag No. 104. It is stated that Dag No. 104 is a waterlogged area which clearly implies that it is a waste land in terms of the Regulations of 1886 and therefore the government has the power to dispose of such water logged land by way of grant to individuals and therefore after following all the required procedures the land under Dag No. 104 was allotted to Shri. T.A Ngullie which is duly reported in the '*Chitta*' and '*Jamabandibook*' maintained in the Office of the Deputy Commissioner, Dimapur.

20. Learned Sr. Government Advocate also submits that in WP(C)/192/2020 a direction was given to the Deputy Commissioner to dispose of the matter regarding encroachment/restraining order within 2(two) months. It was on the basis of the direction of this Court that the impugned order was issued. It is also stated that the impugned order dated 11.02.2021 was passed after hearing both the petitioners and the respondent No. 4. It is stated that according to Section 123 of the Regulations of 1886, every Commissioner of a Division, Deputy Commissioner, Assistant Commissioner and Extra Assistant Commissioner shall be a Revenue Officer for the purpose of this regulations. It is therefore stated that the Deputy Commissioner may direct any Revenue Officer subordinate to him to hear any case arising under the Regulations of 1886. Therefore, the Revenue officer in the office of the Deputy Commissioner, Dimapur was competent to hear and decide the matter.

21. Learned Government Advocate has also raised the issue of maintainability of the present writ petition as an appeal will lie before the Commissioner Nagaland against an order of the Revenue Officer/Revenue Court under the Regulations of 1886. And therefore, the petitioner has not availed the alternative remedy under the Regulations of 1886.

22. Learned Government further submits that the facts in WP(C)/40/2019 are different from the present case in as much as in WP(C)/40/2019 the issue before the Court was regarding patta cancellation of the petitioner whereas in the present case the issue

pertains to issuance of restraining order against the petitioners.

23. Learned Government Advocate submits that in WP(C)/192/2020 this Court had given a categorical direction to the Deputy Commissioner, Dimapur to dispose of the matter within a specific time and therefore the impugned order dated 11.02.2021 was passed by the Deputy Commissioner, Dimapur and there is no illegality in the said impugned order. It is therefore submitted that the present petition is devoid of merit and deserves to be dismissed.

24. Learned Counsel Mr. T.B Jamir appearing for the respondent No. 4 has adopted the submissions made by the learned Senior Government Advocate. Additionally the learned counsel submits that the facts of the case in WP(C)/40/2019 are different from the present case as there is no Court order in WP(C)/40/2019 directing the Deputy Commissioner to dispose of the matter pending before him. Moreover, in WP(C)/40/2019, the petitioner's patta was cancelled by the respondents whereas in the present case the entire dispute is in respect of a restraining order against the petitioners issued by the Deputy Commissioner, Dimapur. Learned counsel relies on the case of ***Union of India Versus Chajju Ram*** reported in ***(2003) 5 SCC 568***, in this regard wherein the Supreme Court held that a decision is an authority for what they decides and not what can logically be deduced there from. The Supreme Court held that it is equally well settled that a little difference in facts or additional facts may lead to a different conclusion.

25. Learned counsel submits that by virtue of section 123 of the Regulations of 1886, every Commissioner of a Division Deputy Commissioner, Assistant Commissioner and Extra Assistant Commissioner is a Revenue Officer for the purposes of the Regulations of 1886. As per Section 140 and 141 of the Regulations of 1886, the Revenue officers are empowered to hold court at any place within the limits of the District and the Revenue Officer is also empowered to summon any person to give evidence. Accordingly, the Revenue-cum-Resettlement Officer Dimapur had issued the impugned order dated 11.02.2021 in exercise of the power conferred by the Regulations of 1886. Therefore, learned counsel submits that the petitioner could not have filed the present writ petition praying for a direction to issue a writ of certiorari to quash and set aside the impugned order dated 11.02.2021. To supplement this submission learned counsel refers to the case of ***Smt. Ujjam Bai Versus State of Uttar Pradesh*** reported in ***1962 SCC Online SC 8***, wherein the Hon'ble Apex Court held that, "*whenever a judicial, a quasi judicial tribunal is empowered or required to enquire into a question of law of fact for the purpose of giving a decision on it, its findings thereon cannot be impeached collaterally or on an application for certiorari but are binding until reversed on appeal.*" Learned counsel has accordingly submitted that no writ of certiorari can be issued against the impugned order.

26. Learned counsel therefore submits that the only remedy available before the petitioner would be the statutory remedy under the Regulations of 1886 or in the alternative the petitioner may seek remedy before a civil court of competent jurisdiction as the case may

be, as held by a Division Bench of this Court vide Order dated 19.03.2021 in W.A/12/2019.

27. Learned counsel for the respondent No. 4 further submits that the order passed by this Court in WP(C)/192/2020 has not been challenged by the petitioners and therefore the petitioners cannot question the jurisdiction of the Deputy Commissioner Dimapur in the present writ petition.

28. Learned counsel further submits that the petitioners have never assailed the patta granted to Mr. T.A Ngullie nor the mutation in favour of the respondent No. 4. Relying on the case of ***State of Uttaranchal and Others Versus Sidharth Srivastava and Others*** in ***(2003)9 SCC 336***, learned counsel submits that as far as administrative law is concerned a government Order exists until it is quashed or it ceases to operate for any other reason. He further submits that it is a well settled principle of law that even a void order is required to be set aside by a competent court. The patta issued to Shri T.A Ngullie and the mutation in the name of respondent No. 4 are administrative orders issued under the Regulations of 1886 and are therefore valid unless quashed by a court of law.

29. Learned counsel therefore submits that the respondent No. 4 has a valid patta and was in peaceful position till the petitioners prevented him by from carrying out developmental activities on his patta land. Therefore, if the present petition is allowed and the impugned restraining order dated 11.02.2021 is quashed by this Court, the

petitioners will again start obstructing the respondent No.4 by taking the law into their own hands and this Court cannot allow such a situation. It is submitted that there is no illegality in the impugned order dated 11.02.2021 and therefore the petition deserves to be dismissed.

30. The Court has given due consideration to the submissions made by the learned counsel for the parties and has perused the pleadings in detail.

31. In the opinion of this Court it is not at all necessary to examine all the contentions and submissions made by the parties in the present writ petition. This Court is primarily concerned with the direction issued by this Court in the previous writ petition filed by the petitioners and whether the direction has been complied with by the Deputy Commissioner, Dimapur in accordance with law. And whether the present petition is maintainable. The petitioners herein who were also the petitioners in WP(C)/192/2020 came before this Court assailing an order dated 14.10.2020 passed by the Deputy Commissioner, Dimapur in pursuance of an application submitted by the respondent No. 4 in respect of his land covered by patta No. 1091, Dag No. 104/1638 situated at Purana Bazar in Dimapur District. The Deputy Commissioner by the Order dated 14.10.2020 had restrained the petitioners from obstructing the development work undertaken by the respondent No. 4 and all the parties concerned were directed to maintain statusquo over the said land till the matter was disposed of.

32. After hearing the parties the WP(C)/192/2020 was disposed of by the Court by an Order dated 08.12.2020 with a direction to the Deputy Commissioner to dispose of the matter within a period of 2(two) months and the parties were directed to strictly maintain statusquo over the said land till then. Subsequently, the Deputy Commissioner, Dimapur directed the parties concerned to appear before him with all supporting Documents by an order dated 22.12.2020. The land survey officer was also directed to verify the land and submit report at the earliest. On 25.01.2021, the petitioners and the respondent No. 4 appeared before the Revenue Officer Dimapur and submitted their documents in support of their claims, and they were also allowed to make oral submissions. The Revenue-cum-Resettlement Officer, being delegated by the Deputy Commissioner Dimapur thereafter issued the impugned order dated 11.02.2021. By issuing the impugned order dated 11.02.2021 the Revenue cum resettlement officer held that the respondent No. 4 is the rightful owner of the land covered by patta No. 1091 in Dag No. 104/1638 under Mouza No. 3. Further the petitioners were restrained from interfering with the peaceful possession or obstructing the developmental activities carried out by the respondent No. 4 on the said land.

33. Without going into the disputed question of whether the Dag No. 104 under Purana Bazar B is Village land or cadastral land, this Court is to examine whether the impugned Order dated 11.02.2021 was passed in compliance of the order of this Court dated 08.12.2020 passed in WP(C)/192/2020. The Revenue-cum-Resettlement Officer can only decide on matters which are revenue in nature, i.e. correction

of records, mutation, fix or revise revenue rates, and land rent, resolve boundary issues, prepare and maintain records of rights (jamabandi) etc. The final determination of title, or ownership rights lies exclusively with civil courts. Therefore, the Revenue-cum-Resettlement Officer could not have gone into the issue of title and ownership.

34. At this point of time the petitioners are holding allotment orders/pattas issued by the Purana Bazar B village council. The respondent no. 4 is also holding a patta on the same land issued by the revenue authority of Dimapur District under the Regulations of 1886. This Court can certainly examine the impugned order in the present writ petition to ensure that the impugned order dated 11.02.2021 has been passed in accordance with law and as directed by this Court in Order dated 08.12.2020 in WP(C)/192/2020. It is also the view of this Court that the facts and circumstances in this Case are not covered by the Judgment dated 22.09.2022 in WP(C)/40/2019 as the issues involved are not similar.

35. The issue in WP(C)/192/2020 was a challenge to a restraining order against the petitioners passed by the Deputy Commissioner Dimapur. It is seen that in compliance with the direction of this court in WP(C)/192/2020 the parties were heard and the Deputy Commissioner Dimapur/Revenue-cum-Resettlement Officer came to a finding that the petitioners possess allotment certificates from the Village Council of Purana Bazar 'B' and the respondent 4 possessed patta issued by the revenue authority and that respondent 4 was the rightful owner of the suit land. Under the Regulation of 1886 the Deputy Commissioner or

any revenue authority has no jurisdiction to decide question of title or ownership. Hence the impugned order dated 11.02.2021 holding that respondent 4 is the rightful owner of the suit land is ultra vires and is liable to be quashed. The Deputy Commissioner/Revenue officer could have, at best directed for status quo to be maintained till such time the parties approach a competent civil court for right, title and interest over the suit land.

36. It is no longer res integra that only the civil court has the competence and jurisdiction to adjudicate the matter where right title and interest over a particular plot of land concerned. Therefore this Court in a writ petition under Article 226 of the Constitution of India cannot enter into the disputed questions of whether the suit land is government land or village land.

37. In view of the discussion and observations made above, the writ petition is allowed. The impugned order dated 11.02.2021 is quashed and set aside. However, the parties are directed to maintain status quo over the suit land till such time either party approaches a competent civil court for declaration of the right, title and interest.

38. The petition is disposed of accordingly. No Orders as to costs.

JUDGE