



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

Case No. : WP(C)/36/2025

MR. NEIPETE THERIE AND 7 ORS,
TOULAZOUMA VILLAGE, CHUMOUKEDIMA, NAGALAND- 797118,
PHONE NO- 9612370633

2: MR. LONU MANA
VCM
VILLAGE COUNCIL MEMBERS (VCM) OF TOULAZOUMA VILLAGE

PERMANENT R/O TOULAZOMA VILLAGE

DISTRICT CHUMOUKEDIMA
NAGALAND

3: MR. NEIKHROVE NGATSU
VCM
VILLAGE COUNCIL MEMBERS (VCM) OF TOULAZOUMA VILLAGE

PERMANENT R/O TOULAZOMA VILLAGE

DISTRICT CHUMOUKEDIMA
NAGALAND

4: MR. NUCHIKHO VENUH
VCM
VILLAGE COUNCIL MEMBERS (VCM) OF TOULAZOUMA VILLAGE

PERMANENT R/O TOULAZOMA VILLAGE

DISTRICT CHUMOUKEDIMA
NAGALAND

5: MR. LIECHUTSO TSUZU

VCM
VILLAGE COUNCIL MEMBERS (VCM) OF TOULAZOUMA VILLAGE

PERMANENT R/O TOULAZOMA VILLAGE

DISTRICT CHUMOUKEDIMA
NAGALAND

6: MR. VECHELO TSUZUH
VCM
VILLAGE COUNCIL MEMBERS (VCM) OF TOULAZOUMA VILLAGE

PERMANENT R/O TOULAZOMA VILLAGE

DISTRICT CHUMOUKEDIMA
NAGALAND

7: MR. LHOUKUTE VENUH
VCM

VILLAGE COUNCIL MEMBERS (VCM) OF TOULAZOUMA VILLAGE

PERMANENT R/O TOULAZOMA VILLAGE

DISTRICT CHUMOUKEDIMA
NAGALAND

8: PUCHINEYI VENUH
VCM

VILLAGE COUNCIL MEMBERS (VCM) OF TOULAZOUMA VILLAGE

PERMANENT R/O TOULAZOMA VILLAGE

DISTRICT CHUMOUKEDIMA
NAGALAN

VERSUS

THE STATE OF NAGALAND AND 5 ORS
REPRESENTED BY THE CHIEF SECRETARY, NAGALAND, KOHIMA.

2:THE HOME COMMISSIONER

GOVERNMENT OF NAGALAND

NAGALAND
KOHIMA

3:THE COMMISSIONER

NAGALAND
KOHIMA

4:THE DEPUTY COMMISSIONER

DISTRICT CHUMOUKEDIMA
NAGALAND

5:THE EXTRA ASSISTANT COMMISSIONER

DISTRICT CHUMOUKEDIMA
NAGALAND

6:THE DIRECTOR

FOOD AND CIVIL SUPPLIES
DISTRICT DMAPUR
NAGALAN

Advocate for the Petitioner : N. MOZHUI, N. RUPREO

Advocate for the Respondent : GOVT ADV NL,

BEFORE
HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER

ORDER

24/07/2025

Heard learned counsel for the petitioners, Mr. N. Mozhui and learned Government Advocate, Mr. Veto V. Zhimomi for the State respondents.

2. In this petition under Article 226 of the Constitution of India the petitioners are challenging the dissolution of the Toulazouma Village

Council by the impugned order No. GAB-1/DMP-VC/2021 (PT) dated 10.01.2025. The petitioners have also challenged the impugned order dated 31.05.2022 temporarily suspending the Village council and the subsidiary bodies of the Toulazouma Village Council, the petitioners have also prayed for a direction to quash and set aside the impugned order No. GA/TOULAZOUMA/2013-14 dated 26.07.2022; directing the petitioners to hand over all the records of the village, the impugned notification bearing No. DC-CMD/GEN-8/2022/2115 dated 20.12.2022, the impugned letter No. DC-CMD/GEN-8/2022 (Pt-1)/1290 dated 11.09.2023 and impugned letter No. DC-CMD/GEN-8/2022(Pt-1)/1 dated 19.11.2024.

3. It is the case of the petitioners that the Village Council of the Toulazouma Village, was legally set up in terms of the provisions of the Nagaland Village Council Act, 1978 after the Government had issued a circular for selection/election of a new team of village councils and the respondent No. 5 by circular dated 15.04.2021 had directed the villages under Chumoukedima circle to submit the list of newly elected/selected village councils members on or before 26.04.2021. Thereafter, the Head GB had forwarded the names of the new village council members to the Extra Assistant Commissioner, Chumoukedima, Dimapur Nagaland, along with meeting minutes. and list of VCM was approved by the government in terms of the Village Councils Act. Thereafter, the Deputy Commissioner, Dimapur issued the order dated 19.08.2021 approving the name of the petitioner No. 1 as the village council chairman of Toulazouma Village Council.

4. When the petitioners were functioning as village council members, a

complaint was submitted by some organizations of the Toulazouma Village, namely; Tenyimia Welfare Union, Toulazouma Women Organization, Toulazouma Youth Organization, Toulazouma Welfare Group and Toulazouma Student Union. On receipt of such complaint, the Deputy Commissioner, Dimapur issued the impugned order dated 31.05.2022 temporarily suspending the Village Council and its subsidiary bodies. Thereafter, by the order dated 26.07.2022, the Extra Assistant Commissioner, Siethekema was appointed as "care taker" of the village till further orders and it was directed that all registers, records, cash books, relating to the village council and its subsidiary bodies should be submitted at the office of the EAC, Siethekema on or before 20.07.2022.

5. Subsequently, an enquiry committee was constituted by impugned notification dated 28.12.2022 to look into the allegations against the village councils members/petitioners. The enquiry was conducted and the enquiry report was submitted to the Deputy Commissioner, Chumoukedima by the Additional Deputy Commissioner, by letter dated 11.09.2023 and the same was forwarded to the Commissioner Nagaland by letter dated 19.11.2024. Basing on the enquiry report, the Government of Nagaland by order dated 10.01.2025, in exercise of the powers conferred under Section 31(1) of the Nagaland Village and Tribal Councils Act, 1978 dissolved the Toulazouma Village Council under Chumoukedima District. Being aggrieved the petitioner is before this Court.

6. The submission of the learned counsel for the petitioner is that the allegation made against the petitioners is fake and there is no specific case of allegations against them. It is also submitted that the enquiry was

not conducted in accordance with law in as much as the statements of the complainants nor the statements of the petitioners were recorded during the enquiry. The enquiry report also speaks of one report given by the EAC Siethekema, however, such report was also not supplied to the petitioners. In other words it is stated that the enquiry was conducted against the principles of natural justice. The petitioners have also pointed out various discrepancies in the enquiry report stating that in the enquiry report, it is stated that the village council was not constituted as per the norms of the Villages Council Act, 1978 whereas, the Village Council was a duly approved council by the State Government. Further in the enquiry report it is also stated that the village council has accumulated arrear bill of Rs. 1,09,51648/- (Rupees one Crore Nine Lakhs Fifty One Thousand Six Hundred Fourty Eight only) against electricity bills as submitted by the Power Department. It is stated that petitioners had taken over as VCM only from August, 2021 whereas the enquiry report talks about files and records w.e.f, 2017 to 2022. It is the submission of the learned counsel for the petitioner that the VCMs had being functioning only for 9(nine) months and therefore the arrears bills of such a huge amount could not have been accumulated during their tenure and that the same has been carried over from previous village councils.

7. Learned counsel for the petitioner also submits that the Deputy Commissioner does not have the power to suspend the village councils and that is only the State Government which can issue such order.

8. Learned Government Advocate, Mr. Veto V. Zhimomi has submitted that the under Rule 22 of the Nagaland Village Council Act, 1978, the Deputy

Commissioner, the Additional Deputy Commissioner and the EAC have general superintendence over all the village councils within their jurisdictions and therefore, on receipt of the complaint against the petitioners the Deputy Commissioner, Chumoukedima had issued the impugned orders dated 31.05.2022 temporarily suspending the Village council and its subsidiary bodies till the issue was resolved and till the finalization of the enquiry. He has therefore submitted that the suspension of the village council cannot be equated with dissolution and the same is within the powers of the Deputy Commissioner of the District.

9. Without going into the other aspects of the matter, this Court is of the view that the enquiry was not conducted in accordance with law. This Court is of the view that the petitioners were not heard and their statements were not recorded and the allegations against them were not supplied to them so as to give them opportunity to explain about the circumstances. Accordingly, this writ petition is disposed of with the following directions:-

- i) the impugned dissolution order dated 10.01.2025 is quashed and set aside.
- ii) The impugned order dated 31.05.2022 issued by the Deputy Commissioner is not interfered with as this Court is of the view that the Deputy Commissioner has the power under Rule 22 of the Nagaland Village and Area Council Act, 1978 to pass such order pending the enquiry.

iii) The Deputy Commissioner shall conduct a fresh enquiry after giving due opportunity to the complainants as well as the petitioners to present their case and record their statements.

iv) Deputy Commissioner, Chumoukedima shall ensure that the administration of the Village Council is conducted only by the district administration and not to allow any other non-governmental organizations to interfere in the functioning of the village administration, during the pendency of the enquiry.

10. The enquiry shall be completed by the Deputy Commissioner, Chumoukedima/Respondent No. 4 within a period of 2(two) months from the date of receipt of this Order.

JUDGE

Comparing Assistant