GAHC020001282025

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

Case No. : I.A.(Civil)/32/2025

SHRI NANU RANA @ RAJIV RANA AND 2 ORS
S/O SHRI BRAHMA RANA AND LATE MS. KALAWATI RANA,
R/O UPPER CHANDMARI, KOHIMA, NAGALANND
2: SHRI RAJU RANA
S/O SHRI BRAHMA RANA AND LATE MS. KALAWATI RANA

R/O UPPER CHANDMARI
KOHIMA
NAGALANND

3: SRIMATI MEERA RANA
D/O SHRI BRAHMA RANA AND LATE MS. KALAWATI RANA

R/O UPPER CHANDMARI
KOHIMA
NAGALANN

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA
MINISTRY OF DEFENCE, B WING 4TH FLOOR SENA BHAWAN,
NEW DELHI 1100012:THE DIRECTOR GENERAL
BORDER ROAD ORGANISATION SEEMA SADAK BHAWAN ROAD

DELHI CANTONMENT NEW DELHI 110001

3:THE CHIEF ENGINEER PROJECT SEWAK (GREF)
C/O 99 APO

4:MS. ANIE PAIRA

W/O LATE KUMAR PAIRA
R/O MIDLAND
DIMPAUR
DISTRICT DIMAPUR
NAGALAND

5:THE STATE OF NAGALAND
REPRESENTED BY THE CHIEF SECRETARY
GOVT. OF NAGALAND
KOHIMA

6:THE DEPUTY COMMISSIONER
DIMAPUR
NAGALAN

Advocate for the Petitioner : IMKONG JAMIR,

Advocate for the Respondent : CGSC,

Linked Case : WP(C)/63/2021

THE UNION OF INDIA AND 2 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA
MINISTRY OF DEFENCE WING 4TH FLOOR SENA BHAVAN
NEW DELHI - 110011

2: THE DIRECTOR GENERAL

BORDER ROAD ORGANISATION
SEEMA SADAK BHAWAN
RING ROAD
DELHI CANTONMENT
NEW DELHI - 110011

3: THE CHIEF ENGINEER

PROJECT SEWAK(GREF)
C/O 99 APO
VERSUS

MRS. ANIE PAIRA AND 2 ORS

W/O LATE KUMAR PAIRA
RESIDENT OF MIDLAND
DIMAPUR
NAGALAND

2:THE STATE OF NAGALAND

REPRESENTED BY THE CHIEF SECRETARY
GOVT. OF NAGALAND
KOHIMA

3:THE DEPUTY COMMISSIONER

DIMAPUR
NAGALAND

Advocate for : ELIVIL ZAO
Advocate for : A. ZHIMOMI appearing for MRS. ANIE PAIRA AND 2 ORS

BEFORE
HON'BLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 08.09.2025

Heard Mr. Tekalong, learned counsel for the applicants. Also heard Mr. E. Zao, learned CGC for the respondent nos.1, 2 and 3; Ms. Esther, learned counsel for the respondent no.4; and Ms. Livika, learned Govt. Advocate for the respondent nos.5 and 6.

2. The applicants, namely, Shri Nanu Rana @ Rajiv Rana; Shri Raju Rana; and Srimati Meera Rana, have filed this interlocutory application for being impleaded as respondent nos. 4, 5 and 6 in the connected WP(C) 63(K)/of 2021.

3. The applicants project that the land, which is referred to in

the connected writ petition originally belonged to their predecessor-in-interest, which was under the occupation of the Border Roads Organization/SEWAK on lease since 1962. It is further projected that the said land was not mutated in the name of three daughters of Late Gopinath Paira, who was the original owner of the said land. Accordingly, claiming that the applicants would have equal rights to succeed the estate of their deceased predecessor-in-interest, project having interest in the land, referred to in the connected writ petition. Moreover, it is also projected that the respondent no.1, in whose name the said land is currently mutated, has since converted into a Christian, and therefore, the respondent no.1 has no right title or interest to the property which otherwise belongs to the coparceners of the Hindu Undivided Family.

4. On an examination of the connected writ petition, it is noticed that the respondent nos.1, 2 and 3 herein, being the Union of India and authorities thereunder, have assailed the impugned order dated 17.09.2014 (Annxure-XIII to the writ petition), by which the Deputy Commissioner, Dimapur, has enhanced the rent payable by the occupier of the government acquired land. The learned CGC has submitted that the challenge is made on the ground that the Deputy Commissioner, for the purposes of the notification for the enhancement of rent, is not a State and that the notification of rent for the land has to be notified by the State Government, i.e. by the Secretary of the concerned department or any higher authority, who is also empowered to act as Secretary of the said department.

5. The counsel for the respondent no.4 has also pointed out

that a land acquisition case, registered as Land acquisition Case No. Rev-17/2005-D/2012-1442, was regarding acquisition of land belonging to the respondent no.1, occupied by project SEWAK, having a total area of 5 bigha, 4 katha, 1 lecha (1.92 acres). It has been submitted that by an order dated 25.10.2012 in the said acquisition proceedings, a direction was issued to Project SEWAK to deposit the awarded sum of Rs.7,69,45,120/- in terms of the directions contained therein. She also submits that the respondent nos.1, 2 and 3 in this interlocutory application had challenged the said order before the learned Single Judge by filing of the WP(C) 114(K)/2014, which was dismissed, and the said order dated 15.05.2015, dismissing the writ petition was assailed by filing WA No.4/2019, which was also dismissed by the Division Bench of this Court and that the said order was challenged before the Supreme Court of India by filing Special Leave to Appeal (C) Diary No. 635/2021, which was also dismissed on withdrawal by order dated 23.07.2021.

6. Although the learned counsel for the applicants has submitted that in the patta issued for the said land, the applicants were also the recorded owner of the said land, nonetheless, as the State Govt. has already acquired the land in question, for the purpose of the nature of challenge made in the connected writ petition by the respondent nos.1, 2 and 3, the Court is of the considered opinion that the applicants herein are neither necessary nor a proper party to the writ petition as the issue of enhanced rent demanded by the State through the orders passed by the Deputy

Commissioner is under challenge by the respondent nos.1, 2, and 3.

7. Accordingly, the Court does not find any merit in the impleading application and therefore, this impleading application stands dismissed.

8. The dismissal of this interlocutory application shall not prejudice the applicants, if they want to assert any right whatsoever.

Sd/-

JUDGE

Comparing Assistant