



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

Case No. : PIL/14/2020

KEZUWETE WEZAH AND 3 ORS
S/O SHRI KHROTSO WEZAH
AGE ABOUT 39 YEARS
RESIDENT OF CHIZAMI VILLAGE
PHEK-797102
NAGALAND

2: PILONGLA
D/O LITSAKYU
AGE ABOUT 38
VETERINARY COLONY
DIMAPUR- 737112
NAGALAND

3: HILO POJAR
S/O SHRI LATHOR POJAR
AGED ABOUT 23 YEARS
RESIDENT OF AKHEN VILLAGE
MELURI
PHEK-737114
NAGALAND

4: BISHA KATIRY
S/O SHRI NYUSETA
AGED ABOUT 22 YEARS
RESIDENT OF LEPHORI VILLAGE
PHEK-797114
NAGALAND

VERSUS

THE STATE OF NAGALAND AND 10 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT

OF NAGALAND
NEW SECRETARIAT
NAGALAND
KOHIMA 797001

2:THE FINANCE COMMISSIONER
FINANCE DEPARTMENT
NAGALAND
KOHIMA

3:COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
NAGALAND
DEPARTMENT OF WORK AND HOUSING
NAGALAND
KOHIMA

4:THE ENGINEER-IN-CHIEF
NPWD NAGALAND
KOHIMA

5:THE EXECUTIVE ENGINEER
PWD (R AND B)
PHEK DIVISION
PHEK
NAGALAND

6:THE UNION OF INDIA
RESENTED BY THE JOINT SECRETARY (CVO AND PG) UNDER
MORTH
ROOM NO.516
PARIVAHAN BHAWAN
SANSAD MARG
NEW DELHI-110001

7:M/S RHINO CONSTRUCTION AND AGENCY
NPW/CI-1/236
NAGALAND
DIMAPUR

8:THE KAMALIA AREA PUBLIC ORGANISATION
PHEK AND MELURI DISTRICT

NAGALAND
THROUGH ITS PRESIDENT

9:THE AKHEN VILLAGE COUNCIL
PHEK-797108
NAGALAND

THROUGH ITS CHAIRMAN

10:THE LEPHORI VILLAGE COUNCIL
PHEK-797108
NAGALAND
THROUGH ITS CHAIRMAN

11:ABIJA KHING
EXECUTIVE ENGINEER
PWD (R AND B)
UNDER THE CHIEF ENGINEER
PWD (R AND B)
KOHIMA.

Advocate for : SENTIYANGER
Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND
AND 10 ORS

Linked Case : I.A.(Civil)/107/2024

M/S RHINO CONSTRUCTION AND AGENCY
NPW/CI-1/236, DIMAPUR, NAGALAND, REPRESENTED BY THE
PROPRIETOR, SHRI LHOUSAKUOLIE METHA, AGED ABOUT 55
YEARS, PRESENT RESIDENT OF LOWER PWD COLONY, KOHIMA ,
NAGALAND

VERSUS

SHRI KEZUWETE WEZAH AND 3 ORS
S/O SHRI KHROTSO WEZAH, AGED ABOUT 42 YEARS, RESIDENT
OF CHIZAMI VILLAGE, PHEK, NAGALAND

2:SMTI. PILONGLA
D/O LITSAKYU
AGED ABOUT 41 YEARS
VETERINARY COLONY
DIMAPUR

3:SHRI HILO POJAR

S/O SHRI LATHOR POJAR

AGED ABOUT 27 YEARS

RESIDENT OF AKHEN VILLAGE
MELURI

PHEK 797114
NAGALAND

4:SHRI BISHA KATIRY
S/O SHRI NYUSETA
AGED ABOUT 25 YEARS
RESIDENT OF LEPHORI VILLAGE
PHEK-707114
NAGALAN

Advocate for the Petitioner : A. ZHO,

Advocate for the Respondent : ,

BEFORE
HON'BLE MR. JUSTICE KAKHETO SEMA
HONBLE MR JUSTICE KARDAK ETE

ORDER

19.02.2025

(K. Sema, J)

Heard Mr. Sentiyanger, learned counsel for the petitioners, Mr. L.T. Sangtam, learned Additional A.G., Nagaland for the State respondent Nos. 1, 2, 3, 4 and 5 alongwith Mr. Veto V. Zhimomi, learned Government Advocate, Mr. A. Zho, learned counsel for the respondent No. 7/Contractor, Mr. Yangerwati, learned CGC for the respondent No. 6 and Mr. Pfosekho Pfotte, learned counsel for respondent No. 11.

2. On 07.08.2024, this Court had *inter alia* made the following observations:-

“However, considering that the State respondents has come up with a revised working estimates against the work, i.e. construction of road from (i) Lephory to Molhe (26 kms) and (ii) Akhen to Star Lake (15 kms), and further considering that the construction of the said road will be for the benefit of the people of the State, more particularly for the people of the area concerned, this Court grants a further extension of time to the applicant/ Contractor to complete the work by 31.12.2024. It is made abundantly clear that if the construction of the road is not completed within the time granted by this Court, the Order dated 14.06.2024 passed by this Court shall be enforced against the applicant/Contractor making the applicant/Contractor liable for contempt. It is further made clear that if the work is not completed within the time stipulated by this Court, this Court shall also be constrained to direct enquiry/investigation by an independent agency as to why the road still remains incomplete, and the reasons/cause for the same and the persons/officials, if any, responsible for the same. The Executive Engineer, PWD (R&B), Phek Division, Phek, Nagaland, i.e. the respondent No. 5 shall monitor the construction of the road on a weekly basis and shall submit the Weekly Monitored Report before this Court through the learned Additional Page No.# 10/10 A.G., in the form of an affidavit on the next date fixed. The Engineer-in-Chief, NPWD, Nagaland, Kohima, shall also direct the Executive Engineer, PWD (R&B), Phek Division, Phek, Nagaland, to strictly monitor the work as directed by this Court in the order. List it again on 21.01.2025 as a fixed item.”

3. Consequent to the Order passed by this Court, the learned counsel for the respondent No. 7 has filed the affidavit dated 10.02.2025 stating compliance of the Order dated 07.08.2024 and also enclosing the Completion Certificate which is reproduced as under:-

*“GOVERNMENT OF NAGALAND
OFFICE OF THE EXECUTIVE ENGINEER PWD(R&B)
PHEK DIVISION :: PHEK, NAGALAND.*

NO.EE/PD/R&B/TC/CC/2023-24/

Dated Phek, the 20th January, 2025COMPLETION CERTIFICATE

**Name of Work : 1. Construction of road from
Lephory to Molhe (26Km)
: 2. Construction of road from Akhen
to Star Lake (15Km)**

This is to certified that the works mentioned above has been executed and completed as per the approved Revised Working Estimate. It should be noted that the total length of the road was 41.000 Km as per the approved DPRs sanctioned. However, the actual length for execution sums up to 38.300 Km, after re-surveying and assessment for requisite items of works to provide road connectivity. The major items of works already executed was within the initial 22.000 Kms and items of works to execute, encompassed in the Revised Working Estimate is confined in the later road length of 16.300 Km, which has been executed and completed as per the approved revised Working Estimate.

Sl. No.	Total Cost of Project	Length of road (Km)	Amount received as	Amount utilized (₹ in Lakhs)	Date of Completion
1	2	3	4	6	7
2	₹ 569.27	38.30	₹ 569.27	₹ 3,224.15	30.12.2024
3	₹ 2,654.88		₹ 2,654.88		

(Er. VIKERHE VENYO)
Executive Engineer PWD(R&B)
Phek Division::Phek."

4. The learned counsel for the State respondents have also filed the affidavit dated 07.02.2025 stating compliance of the Order dated 07.08.2024 and also enclosing the Completion Certificate dated 20.01.2025.

5. In view of the affidavit submitted by the State respondents as well as the learned counsel for respondent No. 7, Mr. Sentianger, learned counsel for the petitioners submits that though the completion is not in terms of the original Work Order and the DPR but as the respondent No. 7 has completed the work in terms of the Revised Working Estimates dated December, 2023, he has no further grievance and the present PIL can be closed.

6. In view of the submissions made by the learned counsel for the petitioners and upon consideration of the Completion Certificate dated 20.01.2025, issued by the Executive Engineer, PWD (R&B), Phek Division, Phek, the PIL accordingly stands closed.

7. The connected I.A.(Civil)/107/2024 also accordingly stands disposed.

JUDGE

JUDGE

Comparing Assistant