



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

Case No. : WP(C)/154/2022

THETSUMI VILLAGE COUNCIL
REPRESENTED BY ITS CHAIRMAN,
MR. VETSHE TSUZUH, AGED ABOUT 54 YEARS,
S/O LATE LIECHIEZU TSUZUH,
DISTRICT - PHEK, NAGALAND

VERSUS

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

2:THE COMMISSIONER
NAGALAND

GOVERNMENT OF NAGALAND
KOHIMA

NAGALAND

3:THE DEPUTY COMMISSIONER

DISTRICT - PHEK
NAGALAND

4:THE ADDITIONAL DEPUTY COMMISSIONER

PFUTSERO
DISTRICT - PHEK
NAGALAND

5:THE CHIZAMI VILLAGE COUNCIL

REPRESENTED BY ITS CHAIRMAN

DISTRICT - PHEK
NAGALAN

Advocate for the Petitioner : A. ZHIMOMI, IMTI
LONGJEM,ESTHER,LHOUSINO,VIKETSONO

Advocate for the Respondent : GOVT ADV NL,

BEFORE
HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER

Advocates

For the Petitioner	: Mr. A. Zhimomi, Ms. Esther, Ms. N. Solo
For the Respondents	: Mr. Moa Imchen(R-1-4) : Mr. A. Zho, Taka Kichu (R-5)

Date of Hearing	: 19.06.2025
Date of Judgment	: 22.07.2025

JUDGMENT & ORDER(CAV)

In the present writ petition the petitioner has assailed the Order No. ADC/PFRO/JUD-18/2020-21/215 dated 15.07.2022 issued by the Additional Deputy Commissioner, Pfutsero (ADC) imposing compensation of an amount of Rs. 12,25,050/- (Rupees Twelve lakhs Twenty-five thousand Fifty only) on the petitioner village to be paid to Chizami Village/R-5.

2. I have heard the learned counsel for the petitioner, Mr. A. Zhimomi, Mr. Moa Imchen, learned Senior Government Advocate for the State

respondent nos. 1 to 4 and Mr. A. Zho, learned counsel for the respondent no. 5 (R-5).

3. It is the case of the petitioner that the Thetsumi Village and Chizami Village are situated in the Phek District of Nagaland. They are neighboring villages and are frequently engaged in boundary disputes. The petitioner is the Thetsumi Village Council. In connection with the dispute between the two villages several orders have been passed by the Administrative Officers of the District from 1915 to 1933. It is stated that amongst the various orders passed from time to time the order dated 19.04.1921 passed in Pol. Case 12 of 1921 remains till date without any modification or cancellation.

4. It is contended by the petitioner that the dispute is still unresolved and that R-5 has repeatedly violated the Order dated 19.04.1921 in Pol. Case 12 of 1921. It is further stated that apart from the demarcated boundary, because of familial relationships some persons/families from Chizami Village were permitted to cultivate lands within 'Plot B' of the petitioner Village. However, the permission granted to them to cultivate on the Thetsumi side cannot be translated into any change in the demarcated boundary/ownership.

5. Because of continuous attempts at encroachment to wrest the lands of Thetsumi Village, the petitioner Village had filed Civil Suit No. 17(3)/88 in the Court of the Additional Deputy Commissioner (J) Phek which was later transferred to the Court of the District Judge Kohima. During the pendency of Civil Suit No. 17(3)/88 several attempts were made to

amicably settle the dispute between the two villages. It is the petitioner's submission that, the Chizami Village continued its attempts to encroach into the lands of Thetsumi Village. Orders were passed by the District Administration in relation to these disputes. In this regard, Order No. JDL/MISC-10/05 dated 31.05.2019 was issued directing the disputing parties not to hinder or stop either side from cultivation 'if the same was being done earlier through traditional arrangements'. Taking note of the altercations between the two villages, by Order No. JDL/POL-4/78/401 dated 13.06.2022, the Deputy Commissioner, Phek directed both the parties to maintain status quo.

6. That after the status quo Order was issued, the R-5 again attempted to intrude into the land of petitioner Village. As such, the petitioner Village prevented them from doing so. At this juncture, the Chizami Village/R-5 approached the Additional Deputy Commissioner (ADC), Pfutsero and the petitioner received a summons dated 08.07.2022 requiring the petitioner's attendance on 11.07.2022 before the Additional Deputy Commissioner, Pfutsero. On 11.07.2022, the ADC, Pfutsero and the SDO(Civil) Chizami concluded the meeting by warning the petitioner to cooperate with the Government or face sanctions. Subsequently, without any notice to the petitioner Village and in blatant violation of the procedures prescribed by law, the impugned Order dated 15.07.2022 was issued imposing a compensation amount of Rs. 12,25,050/- to be paid by the petitioner Village to Chizami Village/R-5 within 15 days from the date of its issue. The impugned Order also stated that failure to comply within the stipulated time 'will lead to withholding of all Government Development funds indefinitely'. Being aggrieved, the petitioner is before this Court.

7. Learned counsel for the petitioner further submits that all the issues regarding damages and compensation between the petitioner Village and the Chizami Village/R-5 have been raised in a Title Suit before the Court of the District Judge, Phek being Title Suit No. 1 of 2022 wherein the petitioner village as well as the Chizami Village/R-5 are appearing and contesting the case.

8. The learned counsel for the petitioner submits that the Order dated 15.07.2022 is arbitrary and illegal. The petitioner was not a party to the process of verification mentioned in the Order dated 15.07.2022. No notice whatsoever prior to the issuance of this Order was issued to the petitioner. The findings of “illegality” and the “damages” ordered as compensation is done by a process unknown to the rule of law. The findings and the assessment of compensation for damages is also perverse and without jurisdiction. The petitioner, has therefore, prayed for quashing of the impugned Order dated 15.07.2022.

9. Learned counsel for the R-5/Chizami Village, Mr. A. Zho has fairly submitted that the boundary dispute between the petitioner Village and the Chizami Village is agitated in the Civil Suit No. 17(3)/88 which has now been transferred to the Court of the District Judge Kohima and is pending disposal. Moreover, the issue regarding the damage to crops and trees, compensation etc is also pending adjudication before the Court of District Judge, Phek in Title Suit No. 1 of 2022. He has no objections if the present petition is disposed of and the parties may be allowed to contest before the trial courts in Civil Suit No. 17(3)/88 and Title Suit No. 1 of 2022. Learned Senior Government Advocate, Mr. Moa Imchen also adopts

the submissions made by the learned counsel for the R-5.

10. In view of the fair concession made by the respondents as mentioned above and in view of the fact that all the issues in dispute between the petitioner Village and the R-5 are already pending before the appropriate civil courts in Title Suit No. 1 of 2022 and Civil Suit No. 17(3)/88, the impugned Order dated 15.07.2022 passed by the Additional Deputy Commissioner, Pfutsero is quashed and set aside. The parties are at liberty to appear and contest the cases before the learned Trial Courts.

With the above observations, this petition is disposed of.

The interim order dated 28.07.2022 stands merged with this order.

JUDGE

Comparing Assistant