

GAHC020005862025

2025:GAU-NL:459



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

Case No. : Tr.P.(C)./1/2025

SENJUM VILLAGE COUNCIL
SENJUM VILLAGE, RANGAPAHAR, DISTRICT- DIMAPUR,
NAGALAND. REPRESENTED BY ITS CHAIRMAN SHRI M
CHENITHUNG EZUNG

VERSUS

UNION OF INDIA AND 4 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA,
MINISTRY OF DEFENCE, NEW DELHI.

2:THE ADMINISTRATIVE COMMANDANT
STATION HEADQUARTER
RANGAPAHAR
C/P 99N A.P.O.

3:THE G.O.C. 3 CORPS
RANGAPAHAR C/O 99 A.P.O.

4:STATE OF NAGALAND
REPRESENTED BY THE SECRETARY TO THE GOVT. OF NAGALAND
DEPARTMENT OF LAND REVENUE
NAGALAND KOHIMA

5:THE DEPUTY COMMISSIONER
DIMAPUR NAGALAND

Advocate for the Petitioner : N K LUIKHAM, C D RUNGSUNG

Advocate for the Respondent : CGSC,

**BEFORE
HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER**

ORDER

11/09/2025

This is an application under Section 24 of the C.P.C praying for transfer of the First Appeal No. 1/2017 pending in the Court of the Principal District Judge, Kohima, Nagaland to the Court of Principal District Judge, Dimapur.

2. Heard learned counsel for the petitioner, Mr. N.K Luikham as well as the learned counsel for the respondent Nos. 1 to 3, Mr. R. Ezung and learned counsel, Mr. M. Longkumer for the respondent Nos. 4 and 5.

3. The learned counsel for the petitioner has submitted that the instant matter relates to a land dispute between the petitioner village and the military establishment of the respondent No. 2 and 3 stationed at Rangapahar Army Cantonment.

4. On a number of occasions the petitioner village as well as the respondent Nos. 2 and 3 had approached this Court praying for directions to the concerned Deputy Commissioner for settlement of the boundary dispute.

5. By a common Judgment and Order dated 25.08.2006, this Court in W.P. (C) No. 103(K)/2004 and W.P.(C) No. 72(K)/2005, had held that the dispute has not been settled in the nature of a proper civil suit by a Court of competent jurisdiction and accordingly this Court had directed the

parties to adjudicate the same in the court of competent jurisdiction. The petitioner thereafter, filed a suit for declaration of the right, title and interest and recovery of the suitland by impleading the Union of India as well as the State of Nagaland as the defendants in the Court of Civil Judge (Senior Division), Dimapur, Nagaland registered a Civil Suit No. 09/2007.

6. In the said Civil Suit No. 09/2007, the parties appeared and the same was disposed of by Judgement and Decree dated 12.01.2017. Being aggrieved by the Judgement and Decree dated 12.01.2017 passed by the Civil Judge (Senior Division), Dimapur, the petitioner/appellant preferred the First Appeal No. 01/2017 in the Court of the Principal District Judge, Dimapur, Nagaland.

7. In the First Appeal No. 01/2017, the respondents also entered appearance however, the Principal District Judge could not take up the matter in view of the fact that the matter had been handled by her as the Government Advocate before this Court, accordingly the appeal was endorsed to the Additional District and Sessions Judge, Dimapur vide Order dated 06.08.2019

8. Thereafter, the Additional District and Sessions Judge was also transferred and posted to Wokha. Hence, the appeal 01/2017 was transferred back to the Court of Principal District and Session Judge, Dimapur vide Order dated 11.11.2019.

9. The said appeal was placed before the newly posted Principal District and Session Judge, Dimapur on 27.10.2021. However, the said Principal

District and Session Judge could not hear the matter as the Judgment and Order under appeal was passed by him.

10. Therefore, the petitioner again filed application before this Court praying for transfer of the First Appeal No. 01/2017 pending in the Court of Principal District and Session Judge, Dimapur to the Court of District Judge, Kohima for further proceedings. This Court vide order dated 05.12.2023 passed in Tr.P.(C) No. 02/2023 was pleased to transfer the said First Appeal No. 01/2017 to the Court of District Judge, Kohima.

11. The First Appeal No. 01/2017 therefore has been transferred to the Court of learned District Judge Kohima but the same is still pending for hearing and disposal due to the difficulties of the out-station counsels and parties who are all stationed in Dimapur.

12. The petitioner therefore prays that for the convenience of the parties as well as their respective counsels, the aforementioned First Appeal No 01/2017 pending in the Court of the Learned District Judge, Kohima maybe transferred back to the Court of Principal District Judge, Dimapur for further proceedings and early disposal of the said appeal. The learned counsels for the respondents, Mr. R. Ezung and Mr. M. Longkumer also have no objections to the said petition as they are also of the view that counsels being stationed at Dimapur and also the parties of the appeal being from Dimapur the transfer maybe allowed.

13. Considering the facts and circumstances as stated above and on the prayer of the learned counsels for the parties, this Court is of the view

that the First Appeal No. 01/2017 which is pending before the Principal District Judge, Kohima can be transferred back to the Court of District Judge, Dimapur. Accordingly, this Court directs the Principal District Judge, Kohima to transmit the records of the First Appeal No. 01/2017 forthwith upon receipt of this order to the Court of the District Judge, Dimapur, Nagaland. The parties shall thereafter appear before the Court of the District Judge, Dimapur on 25th September, 2025.

14. The Registry is directed to ensure that the Principal District Judge, Kohima transmits the records of First Appeal No. 01/2017 to the Court of the District Judge, Dimapur, Nagaland on or before 19th September, 2025.

15. With the above directions, this application stands disposed of.

JUDGE

Comparing Assistant