GAHC020008412025 2026:GAU-NL:607-DB

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

Case No. : WA/46/2025

SHRI M. LONGRI AO
PEACE MISSION, H.NO. 103, LANE-2, DUNCAN BOSTI, DIMAPUR, NAGALAND

VERSUS

SHRI VIWOTO YEPTHO @ VIHOTO AND 75 ORS
GB, PURANA BAZAR B VILLAGE, DIMAPUR, NAGALAND

2:SHRI. TOVISHE YEPTHO
PURANA BAZAR 'B'
VILLAGE
DIMAPUR
NAGALAND.

3:SHRI. SHIKAVI
PURANA BAZAR 'B' VILLAGE
DIMAPUR
NAGALAND.

4:4.SHRI. HIMATO CHISHI
PURANA BAZAR 'B'
VILLAGE
DIMAPUR
NAGALAND.

5:SHRI. ABOVI K WOTSA
PURANA BAZAR 'B'
VILLAGE
DIMAPUR

NAGALAND

6:SHRI. BENJAMIN A SWU
PURANA BAZAR 'B'
VILLAGE
DIMAPUR
NAGALAND

7:SHRI. K PHILIP SUMI
PURANA BAZAR 'B'
VILLAGE
DIMAPUR
NAGALAND.

8:SHRI. M. YANGER AIER
PURANA BAZAR 'B'
VILLAGE
DIMAPUR
NAGALAND

9:SHRI. TIAYAPANG
PURANA BAZAR 'B'
VILLAGE
DIMAPUR
NAGALAND

10:SHRI. T. NUNGSHI
PURANA BAZAR 'B'
VILLAGE
DIMAPUR
NAGALAND

11:SMTI. TIANUNGLA
PURANA BAZAR B
VILLAGE
DIMAPUR
NAGALAND

12:SHRI. LIPOKTEMJEN
PURANA BAZAR B
VILLAGE
DIMAPUR
NAGALAND

13:SHRI. BENDANGWAPANG
PURANA BAZAR B
VILLAGE

DIMAPUR
NAGALAND

14:SHRI. TEMJENKABA
PURANA BAZAR B
VILLAGE
DIMAPUR
NAGALAND

15:SHRI. T. NYMTHUNGO
PURANA BAZAR
'B VILLAGE
DIMAPUR
NAGALAND

16:SMTI. TONGPONGNUNGLA
PURANA BAZAR
B VILLAGE
DIMAPUR
NAGALAND.

17:SHRI. RENDITEMJEN
PURANA BAZAR B
VILLAGE
DIMAPUR
NAGALAND

18:SHRI. TEMSUCHIBA
PURANA BAZAR - B
VILLAGE
DIMAPUR
NAGALAND

19:SHRI. IMNAYANGER
PURANA BAZAR - B
VILLAGE
DIMAPUR
NAGALAND.

20:SHRI. IMOTIBA
PURANA BAZAR - B
VILLAGE
DIMAPUR
NAGALAND

21:SMTI. ASANGLA PONGEN
PURANA BAZAR
- B VILLAGE

DIMAPUR
NAGALAND

22:SHRI. HUNGEANG
PURANA BAZAR - B
VILLAGE
DIMAPUR
NAGALAND

23:SHRI. S. IMO
PURANA BAZAR - B VILLAGE
DIMAPUR
NAGALAND

24:SHRI. KONANGTUBA
PURANA BAZAR - B
VILLAGE
DIMAPUR
NAGALAND

25:SHRI. RENDITEMJEN AO
PURANA BAZAR
- B VILLAGE
DIMAPUR
NAGALAND

26:SHRI. S. YANGER
PURANA BAZAR - B
VILLAGE
DIMAPUR
NAGALAND

27:SHRI. IMKONGLONG
PURANA BAZAR - B
VILLAGE
DIMAPUR
NAGALAND

28:SHRI. LIPOKTEMJEN
PURANA BAZAR - B
VILLAGE
DIMAPUR
NAGALAND

29:SHRI. WATINUNGSANG
PURANA BAZAR - B
VILLAGE
DIMAPUR

NAGALAND

30:SHRI. TEMJENKABA
PURANA BAZAR - B
VILLAGE
DIMAPUR
NAGALAND

31:SMTI. MERENTULA
PURANA BAZAR - B
VILLAGE
DIMAPUR
NAGALAND

32:SHRI. MARTOZUNG
PURANA BAZAR - B
VILLAGE
DIMAPUR
NAGALAND

33:SHRI. SENKILEMBA
PURANA BAZAR - B
VILLAGE
DIMAPUR
NAGALAND

34:SHRI. MAYANG YADEN
PURANA BAZAR - BVILLAGE
DIMAPUR
NAGALAND

35:SHRI. LANUCHUBA
PURANA BAZAR - B
VILLAGE
DIMAPUR
NAGALAND

36:SHRI. CHUBANUNGSANG
PURANA BAZAR
- B
DIMAPUR
NAGALAND.

37:SHRI. ALILEMZUNG
PURANA BAZAR - B
VILLAGE
DIMAPUR
NAGALAND

38:SHRI. SUPONG
PURANA BAZAR - B
VILLAGE
DIMAPUR
NAGALAND

39:SHRI. VIKIHO ZHIMO
PURANA BAZAR - B
VILLAGE
DIMAPUR
NAGALAND

40:SHRI. KHEKATO KINNY
PURANA BAZAR - B
VILLAGE
DIMAPUR
NAGALAND

41:SHRI. NUKLU JAMIR
PURANA BAZAR - B VILLAGE
DIMAPUR
NAGALAND

42:SHRI. VIKY
PURANA BAZAR - B VILLAGE
DIMAPUR
NAGALAND

43:SHRI. T. MEREN
PURANA BAZAR - B VILLAGE
DIMAPUR
NAGALAND

44:SHRI. L. TEMJEN
PURANA BAZAR - B VILLAGE
DIMAPUR
NAGALAND

45:SHRI. ZULU YADEN
PURANA BAZAR - B VILLAGE
DIMAPUR
NAGALAND

46:SHRI. HEKIYE
PURANA BAZAR - B VILLAGE
DIMAPUR
NAGALAND

47:SHRI. G. PUKATO SEMA
PURANA BAZAR - B VILLAGE
DIMAPUR
NAGALAND

48:SMTI. VITOLI
PURANA BAZAR - B VILLAGE
DIMAPUR
NAGALAND

49:SHRI. ANUNG AO
PURANA BAZAR - B VILLAGE
DIMAPUR
NAGALAND

50:SHRI. SHIKAHO KINNY
PURANA BAZAR - B VILLAGE
DIMAPUR
NAGALAND

51:SHRI. AKAVI V. ZHIMO
PURANA BAZAR - B VILLAGE
DIMAPUR
NAGALAND

52:SMTI. KHETOLI AYE
PURANA BAZAR - B VILLAGE
DIMAPUR
NAGALAND

53:SHRI. KHEKUGHA
PURANA BAZAR - B VILLAGE
DIMAPUR
NAGALAND

54:SHRI. KAKIKA
PURANA BAZAR - B VILLAGE
DIMAPUR
NAGALAND

55:SHRI. HOVUKHU AWOMI
PURANA BAZAR
- B VILLAGE
DIMAPUR
NAGALAND

56:SHRI. SEMANTO YEPTHO

PURANA BAZAR
- B VILLAGE
DIMAPUR
NAGALAND

57:SHRI. VISHEPU
PURANA BAZAR - B
VILLAGE
DIMAPUR
NAGALAND

58:SHRI. MUGHAHO
PURANA BAZAR - B
VILLAGE
DIMAPUR
NAGALAND

59:SHRI. TOVISHE
PURANA BAZAR - B
VILLAGE
DIMAPUR
NAGALAND

60:SHRI. AKATO AYE
PURANA BAZAR - B
VILLAGE
DIMAPUR
NAGALAND.

61:SHRI. RAPHIMO
PURANA BAZAR - B
VILLAGE
DIMAPUR
NAGALAND

62:SHRI. VILOPU AWOMI
PURANA BAZAR - B
VILLAGE
DIMAPUR
NAGALAND

63:SHRI. NIKHEHO
PURANA BAZAR - B
VILLAGE
DIMAPUR
NAGALAND

64:SHRI. AKETO ZHIMO

PURANA BAZAR - B
VILLAGE
DIMAPUR
NAGALAND

65:SHRI. RAJESH MECH
PURANA BAZAR - B
VILLAGE
DIMAPUR
NAGALAND

66:SHRI. SHIKAHO
PURANA BAZAR - B
VILLAGE
DIMAPUR
NAGALAND

67:SHRI
HOPUTO YEPTHO
PURANA BAZAR - B
VILLAGE
DIMAPUR
NAGALAND

68:SHRI. HOKUGHA YEPTHO
PURANA BAZAR
- B VILLAGE
DIMAPUR
NAGALAND

69:SHRI. AKAVI ZHIMO
PURANA BAZAR - B
VILLAGE
DIMAPUR
NAGALAND

70:SHRI. HONITO CHOPHY
PURANA BAZAR - B
VILLAGE
DIMAPUR
NAGALAND

71:SHRI. I. CHUBA PONGENER
PURANA
BAZAR - B VILLAGE
DIMAPUR
NAGALAND.

72:SHRI. VIKHETO KITS
PURANA BAZAR - B
VILLAGE
DIMAPUR
NAGALAND

73:THE STATE OF NAGALAND
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF NAGALAND
KOHIMA.

74:THE COMMISSIONER
NAGALAND
KOHIMA

75:THE DEPUTY COMMISSIONER
DIMAPUR
NAGALAND

76:THE VILLAGE COUNCIL
PURANA BAZAR - B VILLAGE
DIMAPUR
NAGALAND
REPRESENTED BY ITS CHAIRMAN
SHRI. KIYEZHE YEPTHO

Advocate for the Petitioner : T. B. JAMIR, I JAMIR,MEYIREN JAMIR,ASEN T JAMIR,TAKA KICHU

Advocate for the Respondent : TONGPOK PONGENER (R/ 1-72), MERENWATI,ACHIBA OZUKUM,HADASHA RUANGMEI,OZUNGLILA,KETI IMCHEN,M. DIVINA THERIE,VIKEHIENUO VIMERHA,ASENLA S LKR,LAKNYEI PHOM,AKUM JAMIR

Advocate

For the Appellant : Mr. T.B. Jamir
For the Respondent No(s) 1 to 72 : Mr. Tongpok Pongener
For the Respondent No(s) 73 to 75 : Mr. N. Angami

Date on which judgment is reserved : **07.10.2026**
Date of pronouncement of judgment : **05.11.2026**

Whether the pronouncement is of the operative part of the judgment : N/A

Whether the full judgment has been pronounced : Yes

-BEFORE-
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR
HON'BLE MR. JUSTICE NCHUMBEMO MOZHUI
JUDGMENT & ORDER (CAV)

(N. Mozhui, J)

The instant appeal was filed against the judgment and order dated 06.11.2025, passed in WP(C) No. 42/2021, whereby the learned Single Judge was pleased to quash/set aside the order dated 11.02.2021, passed by Deputy Commissioner, Dimapur, by entertaining the writ petition and holding that under Assam Land Revenue Regulation, 1886 (herein after referred to as "Regulation of 1886), the Deputy Commissioner or any Revenue Authority does not have jurisdiction to decide question of Title or Ownership. The issues involved in the instant appeal are as follows:

1. Whether application under Article 226 of the Constitution will lie against an order passed by Deputy Commissioner, Dimapur under the Regulation of 1886.

2. Whether the word 'Ownership' and 'Title' have the same meaning and whether under the Regulation of 1886, the Deputy Commissioner, Dimapur or Revenue Authority can decide Ownership (not Title) based on Revenue Record?

2. The appellant had filed an application dated 05.03.2020 before the Deputy Commissioner, Dimapur praying for issuing restraining order

against illegal obstruction of work. Pursuant to the filing of the application dated 05.03.2020, the Deputy Commissioner, Dimapur issued a Restraining Order dated 14.10.2020. Consequent thereto, the opposite parties submitted a Representation dated 31.10.2020 before the Deputy Commissioner, Dimapur for revocation of the Restraining Order and by Notice dated 21.10.2020 the parties were ordered to maintain a status quo.

3. The opposite party Nos. 1 to 72 filed WP(C) No. 192/2020 challenging the order dated 14.10.2020, passed by the Deputy Commissioner, Dimapur and this Hon'ble Court had passed an order dated 08.12.2020 directing the Deputy Commissioner, Dimapur to dispose of the matter concerning the land in question within a period of 2(two) months.

4. The Rules of 1886 provides that the Deputy Commissioner/Revenue-cum-Settlement Officer has the power to decide issues raised before him by sitting as a Court under Regulation 140 & 141. Accordingly, in connection with the matter in question, as directed by this High Court in the earlier writ petition, the Deputy Commissioner, Dimapur sitting as a Court has issued Summon dated 22.12.2020 to the parties and by order dated 11.02.2021 the Deputy Commissioner, Dimapur after hearing the parties and based on material available on record held the appellant as the rightful owner of the land in question. The impugned Order dated 11.02.2021 has been passed by the Deputy Commissioner, Dimapur in compliance with the direction passed by this Court in WP(C) No. 192/2020 and as per the provisions of the Rules of 1886. Being

aggrieved by the order dated 11.02.2021, opposite parties filed connected WP(C) No. 42/2021.

5. Under the Nagaland Village Council Act, 1978 (herein after referred to as "the Act of 1978"), land belonging to the village can be allotted only by the Village Council. It is the contention of the opposite parties in the writ petition, inter alia, that they were allotted portion of the land covered by Dag No. 104, in question, by the Purana Bazar 'B' Village Council. In support of their claim, the opposite parties have annexed 'Allotment Certificate' and also, copy of '*Jamabandhi'* and land revenue payment receipt.

6. Heard learned counsel for the appellant, Mr. T.B. Jamir. Also heard Mr. N. Angami, learned Senior Government Advocate for the respondent Nos. 73 to 75 and Mr. Tongpok Pongener, the learned counsel for respondent Nos. 1 to 72.

7. The learned counsel for the appellant further submits that the case at hand is whether application under Article 226 will lie against an order passed by the Deputy Commissioner, Dimapur under the Rules of 1886.

7.1. The learned counsel for the appellant further submits that the appeal is directed against the judgment and order dated 06.11.2025, passed in WP(C) No. 42/2021, wherein the learned Single Judge quashed and set aside the Order dated 11.02.2021, passed by the Deputy Commissioner, Dimapur by holding that under Regulation of 1886, the Deputy Commissioner or any revenue authority does not have jurisdiction to decide question of Title or Ownership. Learned counsel submits that by virtue of section 123 of the Regulations of 1886, every Commissioner of a Division, Deputy Commissioner, Assistant

Commissioner and Extra Assistant Commissioner is a Revenue Officer for the purposes of the Regulations of 1886. As per Section 140 and 141 of the Regulations of 1886, the Revenue officers are empowered to hold court at any place within the limits of the District and the Revenue Officer is also empowered to summon any person to give evidence. Accordingly, the Revenue-cum-Resettlement Officer, Dimapur had issued the impugned Order dated 11.02.2021 in exercise of the power conferred by the Regulations of 1886. Therefore, learned counsel submits that the petitioner could not have filed the present writ petition praying for a direction to issue a writ of certiorari to quash and set aside the impugned Order dated 11.02.2021.

7.2. To supplement this submission, learned counsel refers to the case of **Smt. Ujjam Bai Vs. State of Uttar Pradesh** reported in **1962 SCC Online SC8**, wherein the Hon'ble Apex Court held that, "whenever a judicial, a quasi judicial tribunal is empowered or required to enquire into a question of law of fact for the purpose of giving a decision on it, its findings thereon cannot be impeached collaterally or on an application for certiorari but are binding until reversed on appeal." Learned counsel has accordingly submitted that no writ of certiorari can be issued against the impugned Order.

7.3. Learned counsel therefore, submits that the only remedy available before the Opposite Party Nos. 71 to 72 would be the statutory remedy under the Regulations of 1886 or in the alternative, the opposite parties may seek remedy before a Civil Court of competent jurisdiction as the case may be, as held by a Division Bench of this Court vide Order dated

19.03.2021 in W.A No. 12/2019.

7.4. Learned counsel for the appellant has also relied on the following judgments held by the Apex Court:

(i) ***Smti. Ujjam Bai Vs. State of Uttar Pradesh*** reported in ***1962 SCC Online SC 8*** wherein it was held as follows:

> *"19. Now, I come to the controversial area. What is the position with regard to an order made by a quasi-judicial authority in the undoubted exercise of its jurisdiction in pursuance of a provision of law which is admittedly intra vires? It is necessary first to clarify the concept of jurisdiction. Jurisdiction means authority to decide. Whenever a judicial or quasi-judicial tribunal is empowered or required to enquire into a question of law or fact for the purpose of giving a decision on it, its findings thereon cannot be impeached collaterally or on an application for certiorari but are binding until reversed on appeal. Where a quasi-judicial authority has jurisdiction to decide a matter, it does not lose its jurisdiction by coming to a wrong conclusion whether it is wrong in law or in fact. The question, whether a tribunal hat; jurisdiction depends not on the truth or falsehood of the facts into which it has to enquire, or upon the correctness of its findings on these facts, but upon their nature, and it is determinable "at the commencement, not at the conclusion, of the enquiry". (Rex v. Bolten (1)). Thus, a tribunal empowered to determine claims for compensation for loss of office has jurisdiction to determine all questions of law and fact relating to the measure of compensation and the tenure of the office, and it does not exceed its jurisdiction by determining any of those questions incorrectly but it has no jurisdiction to entertain a claim for reinstatement or damages for wrongful dismissal, and it will exceed its jurisdiction if it makes an order in such terms, for it has no legal power to give any decision whatsoever on those matters. A tribunal may lack jurisdiction if it is improperly constituted, or if it fails to observe certain essential preliminaries to the inquiry. But it does not exceed its jurisdiction by basing its decision upon an incorrect determination of any question that it is empowered or required, (i. e.) has jurisdiction to determine. The strength of this theory of jurisdiction lies in its logical consistency. But there are other oases where Parliament when it empowers an inferior tribunal to enquire into certain facts intend to*

demarcate two areas of enquiry, the tribunal's findings within one area being conclusive and within the other area impeachable. "The jurisdiction of an inferior tribunal may depend upon the fulfilment of some condition precedent or upon the existence of some particular fact. Such a, fact is collateral to the actual matter which the tribunal has to try and the determination whether it exists or not is logically prior to the determination of the actual question which the tribunal has to try. The tribunal must itself decide as to the collateral fact when, at the inception of an inquiry by a tribunal of limited jurisdiction, a challenge is made to its jurisdiction, the tribunal has to make up its mind whether it will act or not, and for that purpose to arrive at some decision on whether it has jurisdiction or not. There may be tribunals which, by virtue of legislation constituting them, have the power to determine finally the preliminary facts on which the further exercise of their jurisdiction depends; but, subject to that an inferior tribunal cannot, by a wrong decision with regard to a collateral fact, give itself a jurisdiction which it would not otherwise possess." (Halsbury's Laws of England, 3rd Edn. Vol. II page 59). The characteristic attribute of a judicial act or decision is that it binds, whether it be right or wrong. An error of law or fact committed by a judicial or quasi judicial body cannot, in general, be' impeached otherwise than on appeal unless the erroneous determination relates to a matter on which the jurisdiction of that body depends. These principles govern not only the findings of inferior courts stricto sensu but also the findings of administrative bodies which are held to be acting in a judicial capacity. Such bodies are deemed to have been invested with power to err within the limits of their jurisdiction; and provided that they keep within those limits, their decisions must be accepted as valid unless set aside on appeal. Even the doctrine of res judicata has been applied to such decisions. (See Living stone v. West minister Corporation (1) Re Birkenhead Corporation (2) Re 56 Denton Road Twickenham(3) Society of Medical Officers of Health v. Hope(4). In Burn & Co. Calcutta v. Their Employeesthis Court said that although the rule of res judicata as enacted by s. 11of the Code of Civil Procedure did not in terms apply to an award made by an industrial tribunal its underlying principle which is founded on sound public policy and is of universal application must apply. In Daryao v. The State of U.P.(1) this Court applied the doctrine of res judicata in respect of application under Art. 32of the Constitution. It is perhaps pertinent to observe here that when the Allahabad High Court was moved by the petitioner under Art. 226 of the Constitution against the order of assessment, passed on an alleged misconstruction of the notification of December 14, 1957, the

High Court rejected the petition on two grounds. The first ground given Was that the petitioner had the alternative remedy of getting the error corrected by appeal the second ground given was expressed by the High Court in the following words:

> *"We have, however, heard the learned counsel for the petitioner on merits also, but we are not satisfied that the interpretation put upon this notification by the Sales Tax Officer contains any obvious error in it. The circumstances make the interpretation advanced by the learned counsel for the petitioner unlikely. It is admitted that even handmade biris, have been subject to Sales Tax since long before the dated of the issue of the above notification. The object of passing the Additional Duties of Excise (Goods of Special Importance) Central Act No. 58 of 1957, was to levy an additional excise duty on certain important articles and with the concurrence of the State Legislature to abolish Sales Tax on those articles. According to the argument of the learned counsel for the petitioner during the period 14th December, 1957, to 30th June, 1958, the petitioner was liable neither to payment of excise duty nor to payment of Sales Tax. We do not know why there should have been such an exemption. The language of the notification might well be read as meaning that the notification is to 'apply only to those goods on which an additional Central excise duty had been levied and paid".”*

(ii) ***Naresh Sridhar Mirajkar and Ors. Vs. State of Maharashtra,*** reported in ***AIR 1967 (SC) 1;*** and

(iii) ***Bhanmati Devi Vs. The State of Nagaland and 7 Ors.*** dated ***19.03.2021*** in ***WA 12/2019***.

7.5. The learned counsel further submits that the Order dated 11.02.2021, has been passed by the Deputy Commissioner, Dimapur in compliance with the direction passed by this Court in WP(C) No. 192/2020 as per the procedure under the Regulation of 1886 sitting as a court by issuing summons and after hearing the parties and based on material available on records. Therefore, the order dated 11.02.2021 being a quasi judicial order and application on the Article 226 by the opposite party Nos. 1 to 72 will not lie. Moreover, as held by the Division

Bench of this Hon'ble Court in WA No. 12/2019, once the Deputy Commissioner passes necessary order, the aggrieved person can avail statutory remedy or approach the civil courts of competent jurisdiction and not by way of filing a writ petition under Article 226. Therefore, the Single Judge entertaining the writ petition and quashing and setting aside the order dated 11.02.2021 is against the settled principle of law laid down by the Hon'ble Apex Court and is also against the Division Bench Judgment of this Court. Under such circumstances and in view of the settled principle of law the impugned judgment and order dated 06.11.2025 in WP(C) No. 42/2021 is liable to be interfered with.

7.6 Learned counsel on the merit of the case, further submits that whether 'Ownership' and 'Title' have the same meaning and whether under the Regulation of 1886, the Deputy Commissioner, Dimapur or Revenue authority can decide Ownership (not Title) based on Revenue Record? As submitted, in support of their claim, the opposite parties have annexed 'Allotment Certificate' and also, copy of *'Jamabandhi'* and land revenue payment receipt. At the same time, the opposite parties/petitioners categorically stated that the Purana Bazar 'B' Village falls under cadastral area. In this context this Hon'ble High Court, in the case of ***Abdul Samad Vs. Abdul Khaleque*** reported in ***(2016) 3 GLR 285*** has held that once a *Patta* is issued in favour of a person, he becomes the rightful owner of the plot of land covered under the *Patta*.

7.7. The counsel further submits that 'Allotment Certificate' and *'Patta'* are not the same. Only *'Patta'* can confer 'Title'. Therefore, the claim of the opposite parties over the land in question based on 'Allotment Certificate' is not legally sustainable. It is further submitted

that *'Jamabandhi'* cannot be equated with *'Patta'* as held in the case of ***Ali and Ors. vs. Safia Khatoon and Ors.*** reported in ***2017 SCC OnLine Gau 462***.

7.8. It is further contended by the counsel that the Appellants in his affidavit in the writ petition has narrated in details the Chain of Title and how *Patta* was issued to him in respect of the land in question. The Deputy Commissioner, Dimapur has also recorded the same in the impugned order dated 11.02.2021. The same has not been denied by the State Respondents. Being the rightful owner, based on *Patta*, by filing the Application before the Deputy Commissioner, Dimapur, Appellant only prayed for issuing a restraining order and not for declaration of right and title over the land in question. Accordingly, the Deputy Commissioner, Dimapur, after hearing the parties and as per Revenue Record & Joint Spot Verification Report by Order dated 11.02.2021, declared that the Appellant is the rightful owner of the land. It is submitted that by the impugned Order dated 11.02.2021, the Deputy Commissioner, Dimapur did not decide Title but only declared that the Appellant is the rightful owner of the land. However, 'Ownership' and 'Title' being different concepts, the learned Single Judge has misconstrued 'Ownership' and 'Title', as one. *'Patta'* is legal proof of 'Title' and 'Ownership' is derived from 'Title'. And as per Revenue Record, appellant is holding a valid *Patta* in respect of the land in question. Therefore, the Deputy Commissioner, Dimapur after hearing the parties and based on Revenue Record has held that the Appellant is the rightful owner of the land in question. The right & title over the land in question was neither the subject of the Application filed before the DC, Dimapur nor before the learned Single

Judge. Therefore, the judgment and order passed by the learned Single Judge amounts to nullifying the *Patta* issued in favour of the Appellant, without the same being challenged and thereby, depriving his right, title and interest over the land in question.

7.9. Therefore, even on merit, as held by the Co-ordinate Bench of this Hon'ble Court in ***Tractor Farm Equipment Ltd. Vs. Secretary to the Government of Nagaland*** reported in ***2004 (1) GLT 117***, there is a patent error on the face of the record in the finding of the learned Single Judge. Therefore, the judgment and order passed by the learned Single Judge is not legally sustainable and calls for interference by this Hon'ble High Court.

7.10. The learned counsel for the appellant therefore prays that the impugned judgment and order dated 06.11.2025, passed in WP(C) No. 42/2021 is not only against the settled principle of law laid down by the Apex and against the decision by the Division Bench of this Hon'ble Court and liable to be interfered with.

8. Mr. Tongpok Pongener, learned counsel for the opposite party Nos. 1 to 72 submits that the Dag No. 104, which is the land under dispute falls under the Purana Bazar 'B' village, Dimapur. The proof that the said land is village land of the Purana Bazar 'B' village is evidenced by the Scale Map of the village prepared by the District Administration in 1971-72 and is part of the Official Record of the Government. In the Scale Map, it can be seen that the Dag No. 104 is situated in the middle of the village.

8.1. The Purana Bazar 'B' Village, admittedly, is a State recognized village, established in 1942, and recognized as such, as a traditionally

established village. Therefore, all matters pertaining to land belonging to the village is solely governed by the Act of 1978. The Act of 1978 being a 'special statute' applying to villages, the Regulation of 1886, which is a 'general statute', shall have no application in respect of village land. In other words, the Act of 1978 oust the application of the Regulation of 1886, in respect of land falling under villages in Nagaland. The District Administration/Deputy Commissioners have no jurisdiction to grant land settlement/allotment, or settle land disputes, of land belonging to villages in Nagaland in exercise of powers conferred by the Regulation 1886.

8.2. Learned counsel submits that, the Explanation to section 3 and section 15(1)(g) of the Act of 1978, which deals with land belonging to villages provides as follows:

EXPLANATION TO SECTION 3:

"Explanation:- Village means and includes an area recognized as a village as such by the Government of Nagaland. An area in order to be a village under this Act shall fulfill the following conditions namely:-

(a) ***The land in the area belongs to the population of the area or given to them by the Government of Nagaland, if the land in question is a Government land or is given to them by the lawful owner of the land; and***

(b) The village is established according to the usage and customary practice of the population of the area."

SECTION 15 (1) (g):

"no transfer of immovable property shall be effected without the consent of the Village Council. Written record of this shall be maintained by the Village Council."

8.3. Furthermore, it is the contention of the counsel section 14 (1) of the Act of 1978 confers judicial power on the Village Council to decide disputes within the village limits, as follows:

SECTION 14 (1):
"The Village Council constituted under the Law in force from time to time shall administer justice within the Village limits in accordance with the customary law and usages as accepted by the canons of justice established in Nagaland, and the law in this respect as enforced from time to time."

The aforesaid provisions of the Act unambiguously oust the jurisdiction of the District Administration in matters pertaining to village land and village internal matters. The Village Council alone is vested with power to deal with all such matters.

8.4. Learned counsel, in the light of the above position of law, submits that the Hon'ble Single Judge has committed no error in passing the impugned judgment & order dated 06.11.2025, quashing and setting aside the impugned order dated 11.02.2021 passed by the Deputy Commissioner, Dimapur, holding that the appellant is the rightful owner of the suit land.

8.5. Learned counsel submits that the impugned judgment & order dated 06.11.2025 also is in consonance with judgment & order dated 22.09.2022 in ***WP(C) 40/2019: Avishe Assumi Vs. The State of***

Nagaland & 4 Ors. The facts of both the cases are similar. Both cases involve dispute over land within Dag No. 104 under Purana Bazar 'B' Village, and in both the cases, the appellant have been granted land allotments by the Village Council and thereafter, the Appellant obtained *patta* from the Deputy Commissioner, Dimapur, while the opposite parties claiming to be beneficiaries of land allotted to Shri. T.A. Ngullie by the Government, which is void *ab initio* per the Act of 1978.

8.6. Learned counsel, therefore, submits that in view of the above settled position of law, the appeal is devoid of merit and liable to be dismissed.

9. Mr. N. Angami, learned Senior Government Advocate for the opposite party Nos. 73 to 75 submits and reiterates its stand taken before the Hon'ble Single Judge that the issue involved is a disputed question of fact, which the writ court ought not have interfered with the impugned order dated 11.02.2021. Moreover, he submits that the impugned order dated 11.02.2021 was passed after hearing both the parties by the Deputy Commissioner after giving due opportunity and the opposite party Nos. 1 and 72, if so aggrieved, ought to have approached the competent court of civil jurisdiction and not before the writ court.

10. We have considered the submissions forwarded by the counsel for the parties.

11. The operative part of the impugned order dated 11.02.2021 passed by the Deputy Commissioner, Dimapur interfered by the learned Single Judge in the impugned judgment and order dated 06.11.2025 is reproduced herein below:

"In the light of the facts and circumstances mentioned above, this office, based on records, holds that Shri. Longri Ao is the rightful owner of the land covered by Patta No. 1091, Dag No. 104/1638, under Mouza No. 3. The Purana Bazar "B" Village Council Chairman/ GBs and Members are hereby restrained from interfering with the peaceful possession of obstructing the developmental activities carried out by Shri. Longri on the said land.

Failure to comply with this instant order will invite serious legal consequences and be dealt accordingly as per the law."

12. A careful reading of the impugned order dated 11.02.2021 indicates that the Deputy Commissioner, Dimapur has held that the appellant being the rightful owner of the land in question, the opposite party No. 76 and 71 to 72 were restrained from interfering with the peaceful possession of obstructing the developmental activities carried out by the Appellant on the said land.

13. Moreover, it may be noted that the Deputy Commissioner have not exceeded his power in determining the title, right and interest over the said land in favour of the appellant, inasmuch as from the records, it is apparently clear that a complaint dated 05.03.2020, was registered before the Deputy Commissioner, Dimapur by the appellant seeking restraining order against the opposite party Nos. 1 to 72. The Deputy Commissioner has, on the prayer of the appellant and as per the available records, issued the restraining order dated 14.10.2020, on representation of the opposite party Nos. 1 to 72 the Deputy Commissioner had issued a Notice dated 21.11.2020 directing all the parties to maintain status quo as the

matter was in the process of adjudication. Thereafter, the opposite party approached this Hon'ble Court by filing WP(C) No. 192/2020 and by order dated 08.12.2020, this Hon'ble Court directed the Deputy Commissioner, Dimapur to dispose of the matter concerning the land in question. In terms of the direction of this Hon'ble Court the Deputy Commissioner, by impugned order dated 11.02.2021, after hearing both the parties held that the appellant is the rightful owner and as such, directed the opposite party Nos. 1 to 72 and 76 not to interfere with the peaceful possession of obstructing the development activities carried out by the appellant.

14. The Hon'ble Single Judge in its observation made in the impugned judgment and order dated 06.11.2025 clearly spelled out the fact that the issue involved as per the available records, there is a serious disputed question of facts involved inasmuch as both the appellant and the opposite parties are claiming over the right, title and interest over the land in question. The Hon'ble Single Judge has also made an observation that the opposite party Nos. 1 to 72 are also holding Allotment Order/*Patta* issued by the opposite party No. 76 and the appellant is holding a *patta* issued by the Revenue Authority of Dimapur district under Regulation of 1886.

15. The Hon'ble Single Judge interfering with the impugned order dated 11.02.2021 would not be justified to the extent that it was a consequential order directing the opposite party Nos. 1 to 72 not to interfere with the peaceful possession of obstructing the development activities carried out by the appellant and not declaring the title, right and interest over the land in question. The remedy is still open to the Parties to approach the appropriate civil court of competent jurisdiction to

adjudicate the matter in its right perspective if any of the parties are aggrieved with for the fact that both the appellant and the opposite party Nos. 1 to 72 are in possession of allotment/*patta* issued by the Revenue Authority and Village Council respectively.

16. In the case of ***Tractor Farm Equipment Ltd.*** (supra), a Co-ordinate Bench of this Hon'ble Court has held that:

> *"26. … Thus, unlike an appeal, in general, a writ appeal is an appeal on principle and that is why, unlike an appeal, in an ordinary sense, such as a criminal appeal, where the whole evidence on record is examined anew by the appellate Court, what is really examined, in a writ appeal, is the legality and validity of the Judgment and/ or order of the Single Judge and it can be set aside or should be set aside only when there is a patent error on the face of the record or the judgment is against the established or settled principle of law.…"*

In the case of ***Bhanmati Devi*** (supra), a Division Bench of this Hon'ble Court has held that:-

> *"14. …Once the Deputy Commissioner, Dimapur passes necessary orders in the application pending, the person(s) aggrieved, if any, will have their statutory remedies under the Assam land and Revenue Regulation, 1886 or in the alternative may seek their remedy before the Civil Court of competent jurisdiction as the case may be."*

17. Accordingly, the judgment and order dated 06.11.2025 passed in WP(C) No. 42/2021, stands set aside.

18. The parties are directed to approach the appropriate Civil Court of competent jurisdiction for declaration of right, title and interest. Till such time the parties are directed to maintain status quo.

19. With the aforesaid observations and directions, the present appeal stands disposed of.

JUDGE **JUDGE**

Gaithuiliu Gonmei

Digitally signed by Gaithuiliu Gonmei
Date: 2026.11.06 10:44:33 +05'30'

Comparing Assistant