

**IN THE COURT OF THE SENIOR CIVIL JUDGE – II, AIZAWL DISTRICT,
AIZAWL MIZORAM
Civil Suit No.154/2010**

Lalthangkima TochohawnngPlaintiff.
-Versus
The Senior Town and Country Plan & ors. Defendants.

BEFORE

R.VANLALENA, Senior Civil Judge-II

For the Plaintiff : Saihmingliana Sailo & Ors, Advocates.
For the Defendants : Lalremmtluanga, Advocate.
R.K.Malsawmkima, Advocate.

JUDGMENT ORDER

27.4.2012

Plaintiff is represented by Id. Counsel Shri Saihmingliana Sailo.

Defendant No. 1 is represented by Id. Counsel Shri Lalremmtluanga Addl.Public Prosecutor and Addl. Govt. Advocate. Defendants No.2-5 are represented by Shri R.K.Malsawmkima, Asst. Govt. Advocate.

Today is fixed for preliminary hearing on maintainability of the instant suit.

I have heard Pu Saihmingliana Silo, Advocate on behalf of the plaintiff who submitted that the instant suit may be maintained as the plaintiff has locus standi to file the same. There is a cause of action in favour of the plaintiff and hence may be maintained.

On the other hand Shri Lalremmtluanga and Shri R.K.Malsawmkima counsels for the defendants submitted that the instant suit/case may be dismissed on the ground inter alia that the necessary party has not been impleaded in this case. Proper Legal Notice u/s 80 CPC has not been complied with. The plaintiff has no title over the suit land. The Id. Counsels for all defendants submitted that in spite of the fact that the plaintiff appeared to be in dispute with the State of Mizoram, the plaintiff however did not implead the State as one of the defendants without which the suit is impossible to dispose of completely. Hence the instant suit is liable to be dismissed on ground of non-impleadment of necessary party.

On hearing both parties, this court has come to a conclusion to dismiss the instant suit on the ground that the necessary party has not been impleaded and also that the plaintiff has not locus standi to file the suit.

With this order the suit is dismissed and disposed of accordingly.

Given under my hand and seal of this court on this 27th April 2012.

Sd/-R.VANLALENA
Senior Civil Judge – II
Aizawl District : Aizawl.

Memo No...../SCJ-II(A)/2010 : Dated Aizawl, the 4th May, 2012.

Copy to:

1. Lalthangkima Tochohawnng S/o Thangbuaia (L0 R/o Lengpui, Mizoram through Advocates Saihmingliana Sailo & ors.
2. The Senior Town & Country Planner, Town & Country Planning Wing (LAD), Temple Square, Aizawl through counsel Lalremmtluanga.
3. The Village Council, Lengpui, Mizoram through counsel R.K.Malsawmkima.
4. The Young Mizo Association, Taitekena Section, Lengpui through counsel R.K.Malsawmkima.
5. The Young Mizo Association, Lengpui through counsel R.K.Malsawmkima.
6. Lalzawmliani W/o Vanneia, Lengpui Venglai.
7. Hrangchhuana S/o Mitinchhinga, Lengpui venglai.
8. Laldawngliana S/o Hrangchhuana, Lengpui venglai.
9. Case record.

PESHKAR

