

**COPY OF ORDER PASSED BY R.VANLALENA, SENIOR CIVIL, AIZAWL DISTRICT, AIZAWL
MIZORAM**

Civil Misc. Application No 194 of 2012
Arising out of C.S. 4 of 2002

Master Micky Lalmawipua & OrsApplicant.

-Versus-

State of Mizoram & Ors Opposite Parties.

BEFORE

R.VANLALENA, Senior Civil Judge

For the Plaintiff : Shri H. Laltanpuia & Ors Advocates.

For the Defendants: AGA's.

ORDER

17.08.2012

This Misc. Application No.194 of 2012 A/o C.S.No.4 of 2002 has been filed by Master Mickey Lalmawipua & 3 others S/o K.Hruaimawia (L) through Smt. Lalrochhuangi, legal Guardian of the four applicants residents of Mission Veng, Aizawl under Order 39, Rule 1 & 2 of the Code of Civil Procedure 1908 against the State of Mizoram & 12 others for stay of the disbursement and release of rental charge in respect of P.Patta No.45 of 1991 and P.Patta No.46 of 1991 for a period from 1.1.2006 to 31.12.2007.

The Ld. counsel Shri H.Laltanpuia prayed for an interim order for stay of disbursement and release of the said rental charge during pendency of the instant Civil Misc. Application on the ground that if the disbursement and release of the said rental charge is not stayed, the purpose of the instant application will become infructuous.

This court has accordingly passed an interim order dated 19.06.2012 as prayed for by the applicant directing the Land Revenue & Settlement Department to not release/disburse the rental charge sanctioned for a period of 1.1.2006 to 31.12.2007 to any body till final disposal of this application fixing 17.08.2012 for final hearing and order in the matter.

I have heard the Ld. Counsel Shri H.Laltanpuia (Advocate) on behalf of Master Mickey Lalmawipua & 3 others who submitted that a final order may be passed directing the Revenue Department, Govt. of Mizoram to not release and disburse the said rental charge which had been sanctioned and issued by the concerned party which is presently lying in the custody of the Revenue Department, Govt. of Mizoram, so that any person who would be rightfully entitled to the rental charge may receive the same after the court finally decided the case of C.S.No.4 of 2002.

On the other hand, the Ld. counsel for the Defendant/Respondent Shri Michael Zothankhuma, Sr.Advocate submitted that there is no question of staying the disbursement/release of the rental charge for a period of 1.1.2006 to 31.12.2007 to the Respondent Shri K.Lallianzavua S/o Lalropara (L) as the Government of Mizoram had cancelled the P.Patta No.45/91 and P.Patta No.46/91 and the said K.Lallianzauva had been declared as the original owner of the land covered by P.Patta No.1009 of 1977 which covered both P.Patta No.45/91 & 46/91. He therefore prayed this court to pass an order vacating the interim order dated 19.06.2012 so that the said K.Lallianzauva may receive the rental charge for a period of 1.1.2006 to 31.12.2007 which is now lying in the custody of the Revenue Department, Govt. of Mizoram.

On hearing both parties, and on careful perusal of the records of C.S.No.4 of 2002 which is nearing final disposal, this court is of the opinion to regularize the interim order dated 19.06.2012 passed by this court untill final disposal of the Civil Suit No.4 of 2001 for the interest of the case.

Accordingly, the Land Revenue & Settlement Department is hereby directed to not disburse/release the rental charge for a period of 1.1.2006 to 31.12.2007 untill final disposal of C.S.No.4 of 2002.

With this, the application CMA No.194 of 2012 A/o C.S.No.4 of 2002 stands disposed of.

Give copy of this order to all concerned.

Sd/-R.VANLAENA

Senior Civil Judge

Aizawl District : Aizawl.

Memo No /SCJ-I I(A)/2012: Dated Aizawl the 17th August, 2012.

Copy to:

1. Master Micky Lalmawipuia, & 3 others S/o K.Hruaimawia (L)H.No.D-39A, Mission veng, Aizawl through Counsels Shri H.Lalranpuia & Ors.
2. The Secretary to the Government of Mizoram, Land, Revenue & Settlement Department through Shri R.K.Malsawmkima and Shri Joseph Lalfakawma, Asst. Govt. Advocates.
3. The Director, Land, Revenue & Settlement Department through Shri R.K.Malsawmkima and Shri Joseph Lalfakawma, Asst. Govt. Advocates.
4. Mr. K. Lallianzauva s/o Lalropara (L), Model Veng, Aizawl.
5. Case record.

PESHKAR

