

**IN THE COURT OF THE SENIOR CIVIL JUDGE, AIZAWL DISTRICT,  
AIZAWL MIZORAM**

CMA No.18/2010 Arising out of Declaratory Suit No.2/2010

Ngengpuii

.....Plaintiff.

-Versus-

State of Mizoram & ors.

..... Defendants.

**BEFORE**

**R.VANLALENA, Senior Civil Judge**

For the Plaintiff : Shri L.H.Lianhrima, Advocats.

For the Defendants: Asst. Govt. Advocates and Smt. Zairemsangpuii,  
Advocate.

**ORDER**

16.2.2012

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The defendant No.3&4 had already issued cancellation order of the plaintiff's LSC and Eviction Notice dated 9<sup>th</sup> Dec,2006 against the plaintiff by informing the plaintiff to dismantle the disputed building within 60 days from the date of issuance of the said order, failing which the said building shall be dismantled by force. The Ld. Counsel for the defendant No.5 further submitted that stay order was issued against the plaintiff when the plaintiff started constructing the disputed building, but the plaintiff neglected all the stay order issued by the Defendants. So, there could be no irreparable loss if the said Eviction Notice is operated. It can not be said that balance of convenience is in the plaintiff favour, in this stage or prima facie case is well established. Therefore, the ld, counsel for the defendant No.5 prays to this Hon'ble court not to restrain the defendants no.3 &4 to dismantle the disputed building for the ends of justice.

After perusal of the submission of both parties, it is concluded that both parties shall not enjoy the benefits of the disputed building or any benefits arising out of the disputed land during the pendency of the case. The Defendants No.3&4 is hereby restrained to dismantling the disputed building. Meanwhile, the plaintiff is also hereby restrained from continuing the construction of the building inside the suit land and directed to deposit the rent amounting to Rs.3000/- per month on or before 15<sup>th</sup> day of every month with effect from March,2012 till final disposal of the instant suit. At the time of judgment is pronounce the sum of the said Rental amount should be handed over to the party who won the case.

With this order, the instant Misc. Application No.18/2010 stands disposed off.

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

Memo No. 962 /SCJ-I(A)/2011 : Dated Aizawl, the 14<sup>th</sup> May, 2012.

Copy to:

1. Ngengpuii D/o Lianhranga, Upper Republic veng, Aizawl.
2. The State of Mizoram represented by the Chief Secretary through Asst. Govt. advocates.
3. The Secretary to the Govt. of Mizoram, Land Revenue & Settlement Department through Asst. Govt. advocates.
4. The Director, Land Revenue & Settlement Department, Govt. of Mizoram through Asst. Govt. advocates.
5. The Asst. Settlement Officer – I, Land Revenue & Settlement Department, Govt. of Mizoram through Asst. Govt. advocates.
6. Mr. Lalnunchama, Zarkawt, Aizawl C/o Smt. Zairemsangpuii, Advocate.
7. Case record.

**PESHKAR**