

**IN THE COURT OF SHRI VANLALMAWIA, ADDL. DISTRICT JUDGE-I
AIZAWL JUDICIAL DISTRICT, AIZAWL.**

L.A Case No. 33/2013

- 1) R. Zathanga, S/o Denga(L), R/o Tuikhuahtlang, Aizawl
- 2) J. Zothanpuia, S/o Pazawna R/o Sairang, Mizoram
- 3) Darchhunga, S/o Khuma(L) R/o Armed Veng, Aizawl
- 4) Thanbanglova, S/o Thanzama R/o Sairang, Mizoram
- 5) Laltanpuia, S/o Lalzuala Sailo, R/o Electric Veng, Aizawl
- 6) VL Pari, D/o Liansiama, R/o Khatla, Aizawl
- 7) Rev Biaksanga S/o Aikunga (L), R/o Sairang, Mizoram
- 8) T. Lalthlamuana, C/o Rev Ropianga S/o Hnundailova R/o Chandmari West, Aizawl
- 9) S. Thanghlira, S/o VL Hrang, R/o Sairang, Mizoram
- 10) Malsawma Colney, S/o Thangvunga, R/o Sairang, Mizoram
- 11) Michael Zohmingsanga, S/o Rohmingthanga R/o Khatla, Aizawl.
- 12) Sangthanmawii, D/o Thangbuaia, R/o Thakthing, Aizawl
- 13) VL Zohmingliana, S/o LV Zahnuna R/o Chaltlang, Aizawl
- 14) T. Hnuna/Vannghaka S/o Suaka (L), R/o Tuikual B, Aizawl
- 15) Hrangthanga Colney S/o Rev Fehtea, R/o Tuikual B, Aizawl
- 16) Lalthanpuia, S/o Zoramthanga R/o Sairang, Mizoram
- 17) Lalthanzama, S/o Lalkaithuama (L), R/o Sairang, Mizoram
- 18) Thanbanglova, S/o Lalthanzama R/o Sairang, Mizoram
- 19) KT Nghawra, C/o Kaphleia R/o Sairang, Mizoram
- 20) Lalthlamuana, S/o Thankunga R/o Sairang, Mizoram
- 21) Lalzirliana S/o Lalduha R/o Chandmari, Aizawl
- 22) Lalthlamuana, S/o Thanghnuna, R/o Chandmari
- 23) J. Malsawmdawngliana, S/o Sanghmingthanga, R/o Sairang, Mizoram
- 24) Zothansanga, S/o T. Bualzika, R/o Chandmari West, Aizawl
- 25) Lalchhunga, S/o Chalhuna, R/o Tuikual, Aizawl
- 26) Lalkamlova, S/o Lalkhawthanga, R/o Chandmari, Aizawl
- 27) Isaka Fanai, S/o Bawihnuna, R/o Chandmari, Aizawl
- 28) Zosangliana, S/o K. Sena R/o Chandmari, Aizawl
- 29) Thanchhingi, D/o Thanglura (L), R/o Electric Veng, Aizawl
- 30) Ethel Lalsangliani Sailo, D/o Lalzawmthanga, R/o Chhinga Veng, Aizawl
- 31) R. Lalhuna, S/o Lalvuana (L), R/o Zotlang, Aizawl
- 32) Thanchhingi, D/o Thanglura(L), R/o Electric Veng, Aizawl
- 33) C. Sanglura, S/o Kamlova (L), R/o Sairang, Mizoram
- 34) Lalmunga, S/o Chalkhama (L), R/o Venghlui, Aizawl
- 35) Vanhmingthanga, S/o Pachala (L), R/o Mission Veng, Aizawl
- 36) Lalliangnura, S/o Lalbuanga , R/o Bungkawn Nursery, Aizawl
- 37) Ralthanga, S/o Lalngenga ,R/o Zotlang, Aizawl Petitioners

-VRS-

1) Government of Mizoram

2) Northern Frontier Railway

....Respondents

BEFORE
Shri. Vanlalmawia, M.J.S
Addl. District Judge – I

PRESENT

For the petitioner	:	R.Laltanpuia, Advocate
For the Opposite Parties	:	1.GA
	:	2. A.Hussain, Advocate, N.F Railway
Date of Hearing	:	24.11.2016
Date of Judgment	:	12.12.2016

ORDER

The case of this instance Land Acquisition matter have been decided and disposed by this court on 9th July 2014 in favour of petitioners, the court had directed District Collector, Aizawl to re-access the compensation payable to the petitioner by making on supplementary Award by including the value of the petitioners land which is to be calculated at the rate of Rs.60 per sq ft. along with 30% of solacium and 12 % interest as per L.A Act 1894 within a period of two months from today(i.e 9.7.2014) the amount so calculated shall be requisition by the District Collector, Aizawl from the Northern Frontier Railway and disbursed to the petitioner by the District Collector within a further period of 2(two) months. Being aggrieved on this judgment, the respondent No.2 Northern Frontier Railway, represented by the Deputy Chief Engineer, Silchar, filed an appeal to the Hon'ble Gauhati High court Aizawl Bench for they were not party in this reference court, the Hon'ble Gauhati High court Aizawl Bench has therefore remanded back to this court in his RFA No.25 of 2014 with Civil Misc Application No.205 of 2014 & CMA No.206 of 2014, with the direction to implead the appellant, Northern Frontier Railway, Silchar, Cachar Assam, as defendant and also to allow them to file written statement in this reference case No.33 of 2013 by setting aside of this court judgment.

Accordingly, Shri Rakesh Kumar, Executive Engineer(Con) N.F.Railway, Aizawl submitted written objection stating among many other that with regard to para 4 of the petitions it is hereby submitted that in response to the Notice under section 9(1) of the Land acquisition Act, 1894 the petitioners submitted that their claim for compensation at the rate of Rs.600/- per sq.ft . In this connection, it is submitted that fixation of land value is done with due diligence and proper applications of mind and though and fixed the land value at the rate of distance from the main road etc. at the same time, enhancement of the land value will grossly effect all development works in the District as the enhanced value will create bad precedent for land Acquisition rates within the District and as such fixation of rates fixed at Rs.60/- and 40/- per sq.ft is justified while passing the award by the respondent No.1 for LSC lands. Further, the land of the petitioners who are periodic patta holders are covered by thick forest, steep hill areas and in accessible by motorable roads. Further, the lands are outside the Aizawl Municipal area and hence the claim of the petitioners are able to be struck down.

That under the Rule 47 of the Mizoram (Land Revenue) Rules, 2013 made under section 132 of the Mizoram(Land Revenue) Act, 2013 entitled a periodic patta holder to be paid compensation, but in the present case the petitioners/claimant are not entitled for any compensation as the Award was passed during the existence of the old Act and there was no provision to pay compensation for land to the periodic patta holders.

That with regard to para 5 of the petitions, it is hereby submitted that a copy of the verification report in respect of the damages to be caused for Land Acquisition is never supplied/given to the land holders. Further, the respondent No.2 was not made a necessary party to the case. Further, none of the land owners are living with their families here after and as such there is absolutely no justification for enhancement of land value at a higher rate by this Hon'ble court.

That with regard to para 6 of the petition, it is hereby submitted that compensation for land valuation are given only to Land Settlement Certificate holders, periodic pattas/Village Council Pass holders are not given land value at the

time of making the Land Acquisition as per Notification No.K. 12011/10/07-REV, dated 29/12/2009. Further, LSC holders have heritable and transferable right over their lands Periodic pattas are renewed every five years, and if not renewed on application within 6(six) months from the date of expiry, it shall be treated as cancelled automatically.

That with regard to Para 11 of the petition, it is hereby submitted that whereas LSC holders have heritable and transferable rights over their lands. Periodic patta are renewed every 5(five) years, and if not renewed on application within 6(six) months of its expiry, it shall be treated as cancelled automatically.

That with regard to para 12 of the petition, it is hereby submitted that 30% solatium and 12% interest of the market value of the award has already been deposited on the account of the Deputy Commissioner(Respondent No.1) Aizawl for disbursement. Since the Court has no impediments.

It is therefore prayed that your Honour would be graciously pleased to dismiss the present suit on the grounds as adumbrated above.

Respondent No.1 District Collector Aizawl, represented by Addl. Government Advocate also submitted written objection, which is more or less same with the respondent No.2 objection stating that with regard to Para No 4 of the petitions, it is submitted that in response to the Notice under section 9(1) of the Land Acquisition Act, 1894 the petitioners submitted their claims for compensation at the rate of Rs.600/- per sq.ft. in this connection, it is submitted that fixation of land value is done with due diligence and proper applications of mind and thought and fixed the land value at the rate of Rs.60/- and Rs.40/- per sq.ft keeping in mind the location of the land, distance from the Main Road etc. at the same time, enhancement of the Land Value will grossly effect all developmental works in the District as the enhanced value will create bad precedent for Land Acquisition rates within the District. As such fixation of rates fixed at Rs.60/- and Rs.40/- per sq.ft is just and quite reasonable.

That with regard to para No.5 of the petitions, it is submitted that a copy of

verification report in respect of the damages to be caused for land acquisition is never supplied given to the landowners.

That with regard to Para No.6 of the petitions, it is submitted that compensations for Land valuation are given only to LSC holders. Periodic Patta/VC Pass holders are not given Land value at the time of making this land acquisition. Government Notification to this effect is enclosed herewith for ready reference.

That with regard to Para No.11 of the petitions, it is submitted that whereas LSC holders have heritable and transferable right over their lands. Periodic Patta are renewed every five years, and if not renewed on application within six(6) months from the date of its expiry, it shall be treated as cancelled automatically.

That with regard to Para No.12 of the petitions, it is submitted that 30% Solatium and 12% Interest of the market value of the Award are already deposited in the account of Deputy Commissioner, Aizawl for disbursement. Since the court has no impediments, it will be disbursed as soon as possible.

In the fact and circumstances mentioned above this Hon'ble Court is earnestly prayed to dismiss the present suit or as your Honour may deem fit and proper.

This court has therefore framed issues in the present of both parties.

- a) Whether the petitioner are entitled to their relief claim ? If so to what extend ?
- b) Whether the petitioner are entitled to be paid their land value for acquiring their land.
- c) Whether the petitioner are entitled for solatium and interest on the land acquired by respondent.
- d) Whether the award or the compensation is to be enhance as per law.

The petitioner has examined two witness namely C.Sanglura S/o Kamlova and Lalthlamuana on behalf of all other petitioner, and examination in chief is submitted by affidavit and submitted that :

I,C. Sanglura, age about 57 years S/o Kamlova(L) , R/o Sairang, Mizoram,

do hereby solemnly affirm and state as under :-

1.That I am the petitioner No.33 in the present case and I have been authorized by the other petitioners to sign and swear this affidavit on their behalf and also to adduce evidence on their behalf. I am well aware of the facts and circumstances of the present case.

2. That we, the petitioners are the owners of land covered by the various periodic pattas issued under section 4(2) of the Mizoram District(Agricultural Land) Act, 1963. Our corresponding Pattas are shown in the chart made below :-

Sl No	Name of Petitioner	Petitioner's Serial No in Award No.5 of 2012	Patta No.
1	R.Zathanga	35	PP No.1809/76
2.	J.Zothanpuia	36	PP No.257/86
3.	Darchhunga	37	PP No.617/2006
4.	Thanbanglova	38	PP No.560/2006
5.	Laltanpuia	39	PP No.545/2006
6.	V.L.Pari	40	PP No.113/81
7.	Rev.Biaksanga	41	PP NO.369/81
8.	T.Lalthlamuana	42	PP NO.173/89
9.	S.Thanghlira	43	PP No.572/08
10.	Malsawma Colney	44	PP No.732/07
11.	Nichael Zohmingsanga	45	PP No.66/90
12.	Sangthanmawii	46	PP No.663/06
13.	VL Zohmingliana	47	PP No.906/11
14.	T.Hnuna	48	PP No.38/85
15.	Hrangthanga Colney	49	PP No.21/95
16	Lalthanpuia	50	PP NO.986/81
17.	Lalthanzama	51	PP NO.413/05
18.	Thanbanglova	52	PP No9.560/2000
19.	K.T.Nghawra	53	PP No.91/81
20.	Lalthlamuana	54	PP No.41/05
21.	Lalzirliana	55	PP No.214/04
22.	Lalthlamuana	56	PP NO.92/2004
23.	J.Malsawmdawngliana	57	PP NO.93/2004
24.	Zothansanga	59	PP No.760/2008
25.	Lalchhunga	60	PP No.110/95
26.	Lalkamlova	61	PP No.551/06
27.	Isaka Fanai	62	PP NO.43/04

28.	Zosangliana	63	PP No.100/84
29.	Thanchhingi	64	PP No.446/05
30.	Ethel Lalsangliani Sailo	65	PP No.541/06
31.	R.Lalhnuna	66	PP NO.444/05
32.	Thanchhingi	67	PP No.447/05
33.	C.Sanglura	68	PP No.459/06
34.	Lalmunga	69	PP No.492/05
35.	Vanhmingthanga	70	PP No.855/10
36.	Lalliangnura	71	PP No.701/07
37.	Ralthanga	75	PP No.316/1981

3. That as our lands was required by the Government for a public purpose i.e for the construction of a new Railway Line from Bairabi to Sairang, the respondent No.1 issued a Notification under section 4 (1) of the Land Acquisition Act, 1894 vide Memo No.K.12011/26/11-REV dated 29.8.2011 and Corrigendum Vide memo No.K.12011/26/11-REV dated 15.09.2011. the respondent No.2 thereafter issued a public notice vide Memo No.F.14011/189/2008-DC(A)/135 dated 22.09.2011. the respondent No.1 thereafter issued Notification under section 6 of the Land Acquisition Act, 1894 vide Memo No.K.12011/26/11-REV dated 18.01.2012.

4. That in response to the Notice under section 9(1) of the Land Acquisition Act, 1894 issued by the Respondent No.2 vide No.F.14011/189/2008-DC(A)/158 dated 27.1.2012 we, the petitioners submitted our claims for compensation claiming Rs.600/- per sq.ft.

5. That the Respondent No.2 thereafter issued Award No.5 of 2012 dated 5.7.2012. That the Award No.5 of 2012 was given to us only on 2nd week of August, 2012 by the Office of the Respondent No.2 after one of us had requested for the same vide letter dated 16.7.2012. the petitioner No.34 had also requested the respondent No.2 to give him a copy of the verification report in respect of the damage caused to our lands for acquisition of land vide letter dt.16.7.2012, which has not been furnished till date.

6. That on going through the Award No.5 of 2012, we, the petitioners were shocked to find that the Respondent No.2 has awarded compensation for land only to Land

Settlement Certificate ("LSC") holders. No compensation has been awarded for land covered by "Periodic Patta". Also no interest or solatium has been awarded to us, though we have been awarded compensation for the crops/building etc. we the Petitioners being Patta holders as per the Mizo District(Agricultural Land) Act, 1963, have heritable and transferable rights over our land holdings.

7. That our Periodic Pattas have been issued as per the Mizo District (Agricultural Land) Act 1963 Act and not as per the Mizoram District(Agricultural Land) Rules, 1971. As such, Mizoram District (Agricultural Land) Act 1963 Act. Mizoram District(Agricultural Land) Rules, 1971 cannot curtail or go beyond rights given to us as per the Mizo District(Agricultural Land) Act 1963 Act.

8. That we have been having out land continuously from different dates, ie. Some have been issued their PP in 1976, 1981 etc while the latest PP of the Petitioners have been issued in 2008. We have been developing our lands since long time ago by planting fruit bearing trees, crops etc and also by constructing building and as such we entitled to award land value, solatium and interest for acquisition of our lands.

9. That, we have not been awarded land value of our lands, solatium and interest in violation of section 23 of the Land Acquisition Act, 1894. The Respondents are bound to pay interest and solatium to us not only for the land, but also for the crops and buildings and also bound to award land value for acquisition of our lands.

10. That the petitioners in LA Case No.15/2013 who are the owners of Periodic Pattas are also awarded land value for acquisition of their periodic Pattas vide judgment and order dt. 31.1.2014 passed by the court of Additional District Judge-III Aizawl District, Aizawl. We the petitioners, who are the owners of Periodic Pattas are also entitled to award land value for acquisition of out lands.

11. That though we have made our claim to the Respondents for compensation for acquisition of their land, the same have been denied to us.

And exhibited his document namely from Ext P(1) Ext P(5)

The witness C.Sanglura was cross examined by respondent's council Mr. Addl. Government Advocates

1. It is a fact that we did not filed this reference petition for enhancement of damage in respect of crops etc.
2. It is not a fact that we did not claim for land value at the time of acquisition.
3. It is a fact that I have not gone through Revenue Department Laws/Rules wherein Land value can be assessed and awarded in respect of land covered by periodic patta.
4. I am working under the Health Department.
5. It is not a fact that I have not read the order dt.31.1.2014 passed by Addl.District Judge-III Aizawl District.

And also cross examined by Mr.A.Hussain, council for respondent
No.2 Cross examination by counsel for the Railway :

It is a fact that I have gone to the contents of the examination in chief submitted before this Hon'ble court but as the contents are written in English I do not understand properly as the same is written in English and not in Mizo language. I am the petitioner no.33 in the reference petition and is representing the other petitioners.

It is a fact that all the petitioners are periodic patta holders and were issued u/s 4(2) of the Mizoram District (Agricultural land) Act, 1963.

It is a fact that periodic patta are renewed every five years and if not renewed on application within 6 months from the date of its expiry. It is within in my knowledge that our passes were renewed before acquisition was made by the D.C Aizawl. Land was surveyed by joint verification made by the D.C Aizawl and NF Railway. Our lands located at Sairang/Sihhmui as area.

It is a fact that it is not within my knowledge and other petitioners that there was a notification passed by the Revenue Department dt.29.12.2009 vide Memo No K.12011/10/07-REV.

It is a fact that we the petitioners have received the 30% solasium and 12% interest of the award No 5 of 2012(Bairabi – Sairang) and has not received the land value in the said award.

It is a fact that it is within my knowledge that the D.C Aizawl has put nil value on the land valuation whereas this Hon'ble court has enhanced Rs 60 per sq. ft and in my examination in chief I have claimed a compensation amounting Rs.600 per.sq.ft.

It is a fact that I do not remember that whether I have lodged a complaint along with other petitioners to the D.C Aizawl in protest against the land value which has been put as nil by the D.C Aizawl and the same is not available on record.

Cross Examination by the D/L for the Respondent No. 1:

Cross examination earlier on 15.5.2014 and cross examination by the counsel for the Railway adopted/relied upon.

Witness No.2 Lalthlamuana S/o Thanhnuna of Sairang also deposed in his affidavit that

I, Lalthlamuana, age about 54 years, S/o Thanghnuna, R/o Sairang, Mizoram, do hereby solemnly affirm and state as under :-

1. That I am the petitioner No.20 in the present case and I have been authorized by the other petitioners to sign and swear this affidavit on their behalf and also to adduce evidence on their behalf. I am aware of the facts and circumstances of the present case.

2. That we, the petitioners are the owners of land covered by the various periodic pattas issued under section 4(2) of the Mizoram District (Agricultural Land) Act, 1963. Our corresponding Pattas are shown in the chart made below; which is shown, and same with C.Sanglura statement.

3. That as our lands was required by the Government for a public purpose i.e for the construction of a new railway Line from Bairabi to Sairang, the Respondent No.1 issued a Notification under section 4(1) of the Land Acquisition Act, 1894 vide Memo No.K.12011/26/11-REV dated 29.08.2011 and corrigendum vide

memo No.K.12011/26/11-REV dated 15.9.2011. the Respondent No.2 thereafter issued a Public Notice vide Memo No.F.14011/189/2008-DC(A)/135 dated 22.09.2011. the respondent No.1 thereafter issued Notification under Section 6 of the Land Acquisition Act, 1894 vide Memo No.K.12011/26/11-REV dated 18.1.2012.

4. That in response to the Notice under section 9(1) of the Land Acquisition Act, 1894 issued by the Respondent No.2 vide No.F.14011/189/2008-DC(A)/158 dated 27.1.2012, we, the petitioners submitted our claims for compensation claiming Rs.600/- per Sq.ft.

5. That the respondent No.2 thereafter issued Award No.5 of 2012 dated 5.7.2012. that the Award No.5 of 2012 was given to us only on 2nd week of August, 2012 by the Office of the Respondent No.2 after one of us had requested for the same vide letter dated 16.7.2012. the petitioner No.34 had also requested the respondent No.2 to give him a copy of the verification report in respect of the damage caused to our lands for acquisition of land vide letter dt.16.7.2012, which has not been furnished till date.

6. That on going through the Award No. 5 of 2012, we, the petitioners were shocked to find that the respondent No.2 has awarded compensation for land only to Land Settlement Certificate("LSC") holders. No compensation has been awarded for land covered by "Periodic Patta". Also, no interest or solatium has been awarded to us, though we have holders as per the Mizo District (Agricultural Land) Act, 1963, have heritable and transferable rights over our land holdings.

7. That the Hon'ble Gauhati High Court in Sh.Khawlbuaia –vs- State of Mizoram & 3 Ors (RFA No.23 of 2011) has relied on the judgment & order passed in State of Mizoram and others –vs- C.Lalbiakthanga reported in 2012) 1 GLR 83 wherein it was decided that Periodic Patta holders are entitled to land value compensation. The Hon'ble Gauhati High Court in the case of C.lalbiakthanga Supra) has held that a Periodic Patta holder is a person interested within the meaning of Section 18 of the Land Acquisition Act and would accordingly be entitled to compensation. The relevant portion of the judgment of the Hon'ble Gauhati High Court in C.Lalbiakthanga(Supra) is as under :-

"16. In the present case the respondent is holding a Periodic Patta since 1976 continuously till the acquisition of the land. Therefore, the contention advanced by the appellants that the respondent being a periodic Patta holder is not entitled to any compensation is without any substance and is hereby rejected. In any case, the crucial expression appearing in Section 18 of the Act is "person interested". Any "person interested" can invoke the provision of Section 18 of the Act. the expression "person interested" is defined in Section 3(b) of the Act. As per the said definition, the expression "person interested" includes all persons claiming an interest in compensation to be made on account of the acquisition of the land under the Act and a person shall be deemed to be interested in the land if he is interested in an easement affecting the land.

17. In the circumstances noted above, the reference court is fully justified in holding that the Respondent is entitled to received Rs.40 per sq.ft for his acquired land and the appellant were not justified in applying the triangular method in respect of the respondent".

8. Thus, we the petitioners being holders of periodic pattas and being "persons interested as per the above mentioned definition, are entitled to be paid compensation for the acquisition of out lands by the Respondents.

9. That we have not been awarded land value of our lands, solatium and interest in violation of Section 23 of the Land Acquisition At, 1894. The Respondents are bound to pay interest and solatium to us not only for the land, but also for the crops and buildings and also bound to award land value for acquisition of our lands.

10. That the petitioners in LA Case No.15/2013 who are the owners of Periodic Patrtas were also awarded land value for acquisition of their Periodic Pattas vide judgment and Order dt. 31.1.2014 passed by the Court of Additional District Judge-III, Aizawl district Aizawl. As such, we, the petitioners, who are the owners of Periodic Pattas are also entitled to award land value for acquisition of our lands.

11. That vide the judgment and order passed in LA Case No.31 of 2013, the District Collector was directed to acquire lands in Sairang @ Rs.200/- sq.ft. in this regard RFA No.24 of 2014 was filed challenging the above mentioned judgment and order. However, RFA No.24 of was disposed of vide judgment and order dt.18.6.2015 wherein the impugned judgment and order dated 27.8.2014 passed in LA Case No.31 of 2013 was upheld and the lands of the petitioners were given @ Rs.200/- per sq.ft.

12. That as our lands are also located in the same area as that of the petitioners in LA Case No.31 of 2013 whose lands have been acquired @ Rs.200/- per sq.ft, our lands should also be given @ Rs.200/- per sq.ft by the respondents.

Witness Lalthlamuana was crossed examined by A.Hussain Advocate and Lalthlamuana submitted that

It is a fact that I have gone through the contents of the examination in chief submitted by me before this Hon'ble court but the contents were written in English which was explained to me in the language known to me by my counsels. I am the petitioner no.20 the reference petition.

It is a fact that I am a periodic patta holder which belongs to me since the year 2008 and is possessing the same.

It is a fact that while I along with other petitioners filed reference petition before this court my periodic patta was renewed by the Government.

It is also a fact that it is not within my knowledge whether the other periodic patta holders pass were renewed or not who are also the petitioners in the reference petition.

It is a fact that it is not in my knowledge whether there was a notification passed by the Revenue Department on dated 29.12.2009 vide Memo No.K.12011/10/07-REV.

It is a fact that I along with other petitioners have received 30% solatium and 12% interest on the award No 5 of 2012(Bairabi, Sairang) but I have not received the land value compensation.

It is a fact that I have no knowledge that the DC Aizawl has put new value of the land valuation whereas this hon'ble court has enhance Rs.60 per Sq.ft and I expect an amount of Rs200/- per Sq.ft as land value compensation.

It is a fact that I have not made any complained along with other petitioners to the DC Aizawl in protest against the land value which has been put as nil value by the DC Aizawl in connection with the land value compensation of periodic patta.

It is a fact that in my examination in chief I have claimed an amount of Rs.200/- per Sq.ft which is my submission before this Hon'ble court against which I do not have any supporting document establish my claim.

It is a fact that I am deposing falsely before this Hon'ble court.

Cross examination by respondent No.1 & 2 : Cross examination by the counsel for Respondent No.3 is adopted/relied upon.

Respondent also examined two witness.

Witness No.1 F.Lalnghaksanga S/o F.Kianhlira, Surveyor, Residence of Kulikawn was examined and cross examined, and stated that

That all the petitioners are periodic pata holders which are located at Sairang/Sihhmui area.

That a notification was issued by the Revenue Department dt.29.12.2009 vide Memo No. K.12011/10/07-REV.

That while passing the award DC Aizawl has put nil land value against the petitioners land as that not possess in heritable right over the said land.

That the petitioners have received 30% solatium and 12% interest of the award No.5 of 2012. The said award was passed during the existence of the old Act.

That all the petitioners are periodic patta holders who were issued u/s 4(2) of the Mizoram District (Agriculture Land) Act , 1963.

Examination in chief by respondent No. 1, D.C Aizawl.

I have been working under LR & S Department Government of Mizoram as a Surveyor since 1994 and at DC office Aizawl from 2005.

The instant award No.5 of 2012 for construction of new Railway line (Bairabi to Sairang) the assessment and spot verification team by the surveyor I was also one of the surveyor.

The petitioners in the instant case all the petitioners were Periodic Patta holders.

The petitioners in the instant case were paid solatium and interest in respect of crops damage. As according to the old Act the petitioners were not entitle land value in respect of Periodic Patta therefore the question of making assessment in respect of land value and the reference the same were not applied by the petitioners.

Exbt : D-1 is the assessment report copy submitted by me.

Cross examination :

It is a fact that though I have stated Section 4(2) of the Mizo District (Agriculture Land)Act, 1963, I could not say the content of the said before the court today.

I do not know whether the Gauhati High Court held in Kawlbuia Vrs State of Mizoram & 3 ors (RFA No.23 of 2011) relied on the judgment and order passed in State of Mizoram & ors Vrs C.Lalbiakthanga reported in (2012) 1 GLR 83 that the periodic patta holders are entitle to land value compensation.

I know that in LA Case No.31/2013 the District Collector was directed to acquire land in Sairang at Rs.200 per Sq ft and the same is confirmed by the Gauhati High Court Aizawl Bench in RFA No.24 of 2013 vide Judgment and order 18.6.2015.

It is a fact that the petitioners are the holders of periodic pattas.

It is a fact that the petitioners were not given land value for acquiring their lands at Sairang.

It is a fact that the petitioners land in LA Case No.31 of 2013 are adjacent to the lands of the petitioners in the present case.

Though I stated the Old Act in my examination in chief, I could not say the full form of the said Act before the court today.

Re examination by Respondents.

The Gauhati High Court has passed judgment and order in RFA 24 of 2013 awarding the petitioners at the rate of Rs.200 per sq.fts relates to LSC and not periodic patta with in my knowledge.

Witness No.2 H.Rochungnunga s/o Zahluna, Surveyor also stated that

That all the petitioners are periodic pata holders which are located at Sairang/Sihhmui area.

That a notification was issued by the Revenue Department dt.29.12.2009 vide Memo No. K.12011/10/07-REV.

That while passing the award DC Aizawl has put nil land value against the petitioners land as that not possess in heritable right over the said land.

That the petitioners have received 30% solatium and 12% interest of the award No.5 of 2012. The said award was passed during the existence of the old Act.

That all the petitioners are periodic patta holders who were issued u/s 4(2) of the Mizoram District (Agriculture Land) Act , 1963.

Examination in chief by respondent No. 1, D.C Aizawl.

I have been working under LR & S Department Government of Mizoram as a Surveyor since 1993 and at DC office Aizawl from 2003.

The instant award No.5 of 2012 for construction of new Railway line (Bairabi to Sairang) the assessment and spot verification team of the surveyor I was also one of the surveyor.

The petitioners in the instant case all the petitioners were Periodic Patta holders.

The petitioners in the instant case were paid solatium and interest in respect of crops damage. As according to the old Act the petitioners were not entitle land value in respect of Periodic Patta therefore the question of making assessment in respect of land value and the reference the same were not applied by the petitioners.

Cross examination :

It is a fact that though I have stated Section 4(2) of the Mizo District (Agriculture Land)Act, 1963, I could not say the content of the said before the court today.

I do not know whether the Gauhati High Court held in Kawlbuia Vrs State of Mizoram & 3 ors (RFA No.23 of 2011) relied on the judgment and order passed in State of Mizoram & ors Vrs C.Lalbiakthanga reported in (2012) 1 GLR 83 that the periodic patta holders are entitle to land value compensation.

I know that in LA Case No.31/2013 the District Collector was directed to acquire land in Sairang at Rs.200 per Sq ft and the same is confirmed by the Gauhati High Court Aizawl Bench in RFA No.24 of 2013 vide Judgment and order 18.6.2015.

It is a fact that the petitioners are the holders of periodic pattas.

It is a fact that the petitioners were not given land value for acquiring their lands at Sairang.

It is a fact that the petitioners land in LA Case No.31 of 2013 are adjacent to the lands of the petitioners in the present case.

Though I stated the Old Act in my examination in chief, I could not say the full form of the said Act before the court today.

Re examination by Respondents.

The Gauhati High Court has passed judgment and order in RFA 24 of 2013 awarding the petitioners at the rate of Rs.200 per sq.fts relates to LSC and not periodic patta with in my knowledge.

After evidence are closed both the parties are heard at length that Mr.R.Laltanpuia counsel for the petitioner, submitted that every thing is clear enough from the evidence submitted by the witness. This reference court had already passed an order in LA Case No.31/2013 directing the respondent parties to give compensation at the rate of Rs.200/- per sq.ft. to the neighboring land of our claims land, and it was also affirmed even in the appeal court. They are LSC holder, the present petitioner are periodic patta holder, but even the Supreme court had decided that even the patta holder also entitled to get compensation of Market value.

We the petitioner also entitled to get compensation as LSC holder according to the Apex court ruling on market rate as already done in our neighboring land.

Mr. A.Hussain, counsel for the respondent (N.F.Railway) argued that the Supreme court has held that Rs.38 per sq.ft for pre patta holder in RFA No.22/2010 C.Lalbiakthanga Vrs State of Mizoram, the present petitioner are not entitled to enjoy the same status with the LSC holder, and shall be at the rate of Rs.38/-m per sq.ft

even compensation are to be awarded to the petitioner the parties also submitted their argument in writing to support their points in the hearing.

Mr. R.Laltanpuia, counsel for the petitioner, submitted that as the petitioner's lands were acquired by the Government for a public purpose i.e for the construction of a new railway Line from Bairabi to Sairang, the Respondent No.1 issued a Notification under section 4(1) of the Land Acquisition Act, 1894 vide Memo No.K.12011/26/11-REV dated 29.8.2011 and Corrigendum vide memo No.K.12011/26/11-REV dated 15.9.2011. the respondent No.2 thereafter issued a Public Notice vide Memo No.F.14011/189/2008-DC(A)/135 dated 22.9.2011. the respondent No.1 thereafter issued Notification under section 6 of the Land Acquisition Act, 1894 vide Memo No.K.12011/26/11-REV dated 18.1.2012.

That in response to the Notice under section 9(1) of the Land Acquisition Act, 1894 issued by the Respondent No.2 vide No.F.14011/189/2008-DC(A)/158 dated 27.1.2012, the petitioners submitted their claims for compensation claiming Rs.600/- per sq.ft.

That the respondent No.2 thereafter issued Award No.5 of 2012 dated 5.7.2012. that the award No. 5 of 2012 was given to the petitioners' only on 2nd week of August, 2012 by the office of the respondent No.2 after one of the petitioner had requested for the same vide letter dated 16.7.2012. the petitioner No.34 had also requested the respondent No.2 to give him a copy of the verification report in respect of the damage caused to the petitioners' land for acquisition of land vide letter dt.16.7.2012, which has not been furnished till date.

That on going through the Award No. 5 of 2012, the petitioners were shocked to find that the respondent No.2 has awarded compensation for land only to Land Settlement Certificate ("LSC") holders. No compensation has been awarded for land covered by "Periodic Patta". Also, no interest or solatium has been awarded to the petitioners' though the petitioners' have been awarded compensation for the crops/building etc. the petitioners being patta holders as per the Mizo District

(Agricultural Land) Act, 1963, have heritable and transferable rights over their land holdings.

That the Hon'ble Gauhati High Court in Sh Khawlbuiaia –vs- State of Mizoram & 3 Ors (RFA No.23 of 2011) has relied on the Judgment & order passed in State of Mizoram and Others –vs- C.Lalbiakthanga reported in (2012) 1 GLR 83 wherein it was decided that periodic patta holders are entitled to land value compensation. The Hon'ble Gauhati High Court in the case of C.Lalbiakthanga (Supra) has held that a Periodic Patta holder is a person interested within the meaning of Section 18 of the Land Acquisition Act and would accordingly be entitled to compensation. The relevant portion of the judgment of the Hon'ble Gauhati High Court in C.Lalbiakthanga (Supra) is as under:

"16. In the present case the respondent is holding a periodic patta since 1976 continuously till the acquisition of the land. Therefore, the contention advanced by the appellants that the respondent being a periodic patta holder is not entitled to any compensation is without any substance and is hereby rejected. In any case, the crucial expression appearing in Section 18 of the Act is "person interested". Any "person interested" can invoke the provision of section 18 of the Act. the expression "person interested" is defined in section 3(b) of the Act. As per the said definition, the expression "person interested" includes all persons claiming an interest in compensation to be made on account of the acquisition of the land under the Act and a person shall be deemed to be interested in the land if he is interested in an easement affecting the land.

17. In the circumstances noted above, the reference court is fully justified in holding that the respondent is entitled to received Rs.40 per sq.ft for his acquired land and the appellant were not justified in applying the triangular method in respect of the respondent".

Thus, the petitioners being holders of periodic pattas and being "persons interested" as per the above mentioned definition, are entitled to be paid compensation for the acquisition of their lands by the respondents.

That the petitioners' have not been awarded land value of their lands, solatium and interest in violation of section 23 of the Land Acquisition Act, 1894. The respondents are bound to pay interest and solatium to the petitioners' not only for the land, but also for the crops and buildings and also bound to award land value for acquisition of their lands.

That the petitioners in LA Case No.15/2013 who are the owners of periodic pattas were also awarded land value for acquisition of their periodic pattas vide Judgment and order dt.31.1.2014 passed by the court of Additional District Judge-III, Aizawl District Aizawl. As such, the petitioners, who are the owners of periodic pattas are also entitled to award land value for acquisition of their lands.

That vide the judgment and order passed in LA Case No.31 of 2013, the district Collector was directed to acquire lands in Sairang @ Rs.200/- per sq.ft. in this regard RFA No.24 of 2014 was filed challenging the obvamentioned judgment and order. However, RFA No.24 of was disposed of vide Judgment and order dt.18.6.2015 wherein the impugned judgment and order dt.27.8.2014 passed in LA Case No. 31 of 2013 was upheld and the lands of the petitioners were acquired @ Rs.200/- per sq.ft.

That as the petitioners lands are also located in the same area as that of the petitioners in LA case No. 31 of 2013 whose lands have been acquired @ Rs.200/- per sq.ft, the petitioners' lands should also be acquired @ Rs.200/- per sq.ft. by the respondents.

It is therefore most humbly prayed that this Hon'ble court may be pleased to direct the respondents to give Rs.200/- per sq.ft. for acquisition of their periodic pattas and also to pay solatium and interest as the Land Acquisition Act, 1984 for acquisition of their lands.

Mr.Joseph Lalfakawma counsel on behalf of respondent No.1 (D.C Aizawl) also submitted that the case of the petitioners in brief is that they are land owners having periodic pattas whose land falls within the proposed new line from Bairabi to

Sairang. The Government of Mizoram had issued the Notification No. K.12011/26/2011-REV, dated 29.8.2011 under section 491 of the LA Act, 1894 notifying that the land measuring approximately 44.6945 hectares was likely to be needed for construction of New Railway line from Bairabi to Sairang. The Government of Mizoram had issued the corrigendum No.K.12011/26/2011-REV, dated 15.9.2011 under section 4(1) of the LA Act, 1894 declaring that the aforesaid land was required for public purpose i.e acquisition of land for construction of land of Railway line from Bairabi to Sairang.

The State Government had also issued the Notice Under Section 9 of the LA Act, 1894 calling for objections from the land owners whose land falls within the area intended to be acquired. Thereafter, the District Collector pronounced the Award no. 5 of 2012 on 5.7.2012 being aggrieved, the petitioners submitted reference application under section 18 of the LA Act, 1894. As a result this Hon'ble Court fixed the rate of land value of Rs.60/- per sq.ft.

The respondent No.2 being aggrieved filed a regular First Appeal registered as RFA 25/2014 before the Hon'ble High Court : Aizawl permanent bench : Mizoram stating that the Respondent No.2 was not made a necessary party to the case and as such Vide Order dated 5.12.2014 the Hon'ble High Court ; Aizawl bench remanded back the case after quashing the judgment & order dated 9/7/2014 passed by the reference court.

On being remanded back evidence was taken up by the Hon'ble Court. On dated 23.7.2015 the reference petitioner R.Zathanga submitted examination in chief whereby he claimed Rs.200/- per sq.ft of his land which is a periodic patta. The Hon'ble Court summoned Plaintiff witness No.1 who deposed that the reference Petitioners are holders of Periodic Patta and were issued u/s 4(2) of the Mizoram District (Agricultural Land) Act, 1963. He further admitted in his cross examination that periodic patta are renewed every 5(five) years and if not renewed on application within 6 months from the date of expiry. He further submits that all the periodic patta passes were renewed before acquisition was made by the DC Aizawl. Land was surveyed by joint verification made by the DC Aizawl and NF Railway, the P/W No.1

further submitted that the lands of the petitioners are located at Sairang/Sihhmui area.

He further submitted that it is within his knowledge that there was notification issued by the Revenue Department, Government of Mizoram that on dated 29.12.2009 vide memo No.K.12011/10/07-REV whereby it has been stated that periodic patta does not possess inheritable right over the land. He further stated that it is within his knowledge that D.C Aizawl has put nil value of the land valuation of the land of all the Reference petitioners.

He further admitted that he does not remember whether he had lodged a complaint along with other petitioners to the D.C Aizawl in protest against the land value which has been put nil value by the D.C Aizawl and the same is not available on record.

Plaintiff witness No.2 namely Lalthlamuana, resident of Sairang was examined, cross examined and discharged. In his cross examination he stated that the same statement deposed by the plaintiff witness No.1.

GROUND OF OBJECTION :

1. The respondent No.2(NF Railway) strongly objects to enhance any land value to the above named petitioners on the grounds that the petitioners did not file any objection before the D.C Aizawl while passing the Award No.5/2012 whereby the petitioners were called for filing objection which was notified and the objection is to be filed within a period of 30 days as per LA Act, 1894.

2. That prior to passing of the said Award No.5 of 2012 the Revenue Department passed a Notification, Government of Mizoram on dated 29.12.2009 whereby the periodic patta holders does not acquire the patta holders right over the land and hence land value shall not be assessed. Further, the Award No 5 of 2012 was passed during the existence of the Old Act and the Notification. And hence the D.C Aizawl fixed nil value over the acquired land of the petitioners.

3. That the Hon'ble High Court in RFA 22/2010 passed a judgment & order on dated 18.11.2011 in C.Lalbiakthanga –vrs- State of Mizoram whereby the Hon'ble High Court fixed Rs.38/- per sq.ft in case of periodic patta holder.

4. That the Hon'ble High Court in RFA 23/2011 passed a judgment and order dated 4.6.2013 in Shri Kawlbuiaia – vrs – Power Grid Corporation Ltd. & State of Mizoram whereby the Hon'ble High Court fixed Rs.38/- per sq.ft in case of periodic patta holders confirmed the Hon'ble Supreme Court.

5. The respondent No1 also submits that the land of the petitioners are all within Sairang/Sihhmui area which is far away from the Arial municipal area and none of the petitioners are staying in their lands and are staying at Aizawl. The Hon'ble High Court & Supreme Court enhanced Rs.38/- per Sq.ft in the case of Shri Kawlbuiaia versus Power Grid Corporation Ltd. & others as stated in (Annexure-3&4) which is located at Tanhril which is adjacent and nearer to Aizawl city whereas the land of the petitioners are far away from Aizawl municipal area and hence cannot claim Rs.200/- per sq.ft which is not justified while fixing the land value by this Hon'ble Court.

6. The petitioners has taken a stand that the judgment & Order passed in L.A 31/2013 the Hon'ble High Court passed a judgment & Order in RFA No.24/2014 wherein the Hon'ble High Court upheld the Order passed by this Hon'ble High Court in L.A 31 of 2013 stating that the petitioners are entitled at Rs.200/- per sq.ft. it is worthwhile to mention here that in L.A 31/2013 the status of the land of the petitioners are Land Settlement Certificate who are having permanent status over the land whereas in the present case the petitioners are holders of periodic patta who does not have inheritable right over the land value further, which has to be renewed ever 5 years.

Hence, the petitioners cannot claim Rs.200/- per sq.ft in periodic patta as the status of the land in L.A 31/2013 and in present case is not similar and is different. As the present petitioners are holders of periodic patta only. Hence, the claim of the petitioners is not sustainable in the eye of Law and the claim for enhancement of land value of Rs.200/- per sq.ft in periodic patta is not sustainable and is liable to be struck down and rejected on this ground alone.

7. That, under Rule 47 of the Mizoram(Land Revenue) Rules, 2013 made under section 132 of the Mizoram Land Revenue) Act, 2013 entitles a periodic patta holder to be paid compensation but in the present case the petitioners are not entitled for any compensation as the Award No. 5 of 2012 was passed during the existence of the Old Act and there was not provision to pay compensation for land to the periodic patta holders and the aspect of the matter ought to be considered by this Hon'ble Court.

8. That the Learned Court ought to consider that payment of less compensation to the petitioner is against the constitution of India and principles of Natural Justice, Payment of exorbitant amount would also create enormous problems and development and shall bring bad precedent to the State of Mizoram as well as for onward construction of Railway line from Bairabi to Sairang. Hence, the balance of convenience has to be made between both the parties.

9. That this Written Argument is made bona fide and for the interests of Justice and fair play.

In the premises it is therefore prayed that your honour would be graciously be pleased to reject the claim made by the petitioners for land value and reject the reference petition in L.A Case No.33/2013 for the interests of justice and fair play.

1. The respondent No.2 (NF. Railway) strongly objects to enhance any land value to the above named petitioners on the ground that the petitioners did not file any objection before the D.C. Aizawl while passing the Award No.5/2012 whereby the petitioners were called for filing objection which was notified and the objection is to be filed within a period of 30 days as per L.A. Act, 1894.

2. That prior to passing of the said Award No.5 of 2012 the Revenue Department passed a Notification, Govt. of Mizoram on dated 29/12/2009 whereby the periodic patta holders does not acquire the patta holders right over the land and hence land value shall not be assessed. Further, the Award No.5 of 2012 was passed during the existence of the Old Act and the Notification. And hence the D.C. Aizawl fixed nil value over the acquired land of the Petitioners.

3. **That the Hon'ble high Court in RFA 22/2010 passed a judgment & Order on dated 18/11/2011 in C. Lalbiakthanga – versus – State of Mizoram whereby the hon'ble High Court fixed Rs.38/- per sq.ft in case of periodic patta holders.**

4. **That the Hon'ble high court in RFA 23/2011 passed a judgement & Order on dated 4/06/2013 in Shri. Kawlbuaia – versus – Power Grid Corporation Ltd & State of Mizoram whereby the hon'ble High Court fixed Rs.38/- per sq.ft in case of periodic patta holders confirmed the Hon'ble Supreme Court.**

5. The respondent No.1 also submits that the land of the petitioners are all within Sairang/Sihhmui area which is far away from the Aizawl municipal area and none of the petitioners are staying in their lands and are staying at Aizawl. The Hon'ble High Court & Supreme Court enhanced Rs.38/- per Sq.ft in the case of Shri. Kawlbuaia versus Power Grid Corporation Ltd & Others as stated in (Annexure- 3 & 4) which is located at Tanhril which is adjacent and nearer to Aizawl city whereas the land of the Petitioners are far away from Aizawl municipal area and hence cannot claim Rs.200/- per sq.ft. which is not justified while fixing the land value by this Hon'ble Court.

6. **The petitioners has taken a stand that the Judgment & Order passed in L.A. 31/2013 the Hon'ble High Court passed a Judgment & Order in RFA. No.24 of 2014 wherein the Hon'ble High Court upheld the Order passed by this Hon'ble High Court in L.A. 31 of 2013 stating that the petitioners are entitled at Rs.200/- per Sq.ft. it is worthwhile to mention here that in L.A. 31/2013 the status of the land of the Petitioners are Land Settlement Certificate who are having permanent status over the land whereas in the present case the Petitioners are holders of Periodic Patta who does not have inheritable right over the land value further, which has to be renewed ever 5 years.**

Hence, the petitioners cannot claim Rs.200/- per sq.ft in Periodic patta as the status of the Land in L.A. 31/2013 and in present case is not similar and is different. As the present Petitioners are holders of periodic patta only. Hence, the Claim of the petitioners is not sustainable in the eye of Law and the claim for enhancement of land Value of Rs.200/- per sq.ft in periodic patta is not sustainable and is liable to be struck down and rejected on this ground alone.

7. That, Under Rule 47 of the Mizoram (Land Revenue) Rules, 2013 made under section 132 of the Mizoram Land Revenue Act, 2013 entitles a periodic patta holder to be paid compensation but in the present case the petitioners are not entitled for any compensation as the Award No.5 of 2012 was passed during the existence of the Old Act and there was no provision to pay compensation for land to the periodic patta holders and the aspect of the matter ought to be considered by this Hon'ble Court.

8. That the Learned Court ought to consider that payment of less compensation to the Petitioner is against the Constitution of India and principles of Natural Justice, Payment of exorbitant amount would also create enormous problems and development and shall bring bad precedent to the State of Mizoram as well as for onward construction of Railway line from Bairabi to Sairang. Hence, the balance of convenience has to be made between both the parties.

9. That this Written Argument is made bona fide and for the interests of Justice and fair play.

And for this act of kindness, I as duty bound shall ever pay.

On thorough perusal of the case record as well as evidence available on the witness examination and argument put forwarded by both the parties. It is learnt that this court directed the District Collector Aizawl, to re-access the compensation payable to the petitioner by making supplementary award by including the value of

petitioner land to be calculated at the rate of Rs. 60/- per sq.ft along with 30% solatium and 12% interest as per LA Act 1894.

The petitioner have received 30% solasium and 12 % interest of the award No.5 of 2012, and have not receive the land value in the said award as stated by petitioner C.Sanglura, and Lalthlamuana as stated in their cross examination by N.F Railway counsel.

The petitioner are Pre Patta Holder but the pre-patta holder are also entitled land value compensation as held by Hon'ble Supreme court in the case of State of Mizoram Vrs C.Lalbiakthanga reported in (2012) 1.GLR 83 Civil Appeal No.2731/2012.

But in this instance case, the main point to be decided is the amount of compensation to be fixed at Rs.200/- or Rs.38/- per sq.fts.

In my opinion, the Hon'ble Supreme court does not fixed for Pre-Patta holder's land value @ Rs.38/- per sq.ft, it was fixed as agreed by both the parties, the operative portion in this column also run as follow.

"During the course of hearing learned counsel for the parties agreed that the impugned judgment may be modified and the rate of compensation determined by reference court, as affirmed by the High Court, may be modified from Rs.40/- per sq.ft to Rs.38/- per square feet".

So, Rs.38/- per sq.ft. cannot be treated as fixed rate for periodic patta land holder.

Both the defence witness F.Lalnghaksanga and H.Rochungnunga of both are Surveyor submitted that the present petitioner land in LA Case No. 31 of 2013 are adjacent to the land of the petitioner in the present case, and also know that LA Case No.31/2013 the District Collector was directed to acquire land in Sairang at Rs.200/- per sq.ft and the same is confirmed by the Gauhati High Court, Aizawl Bench in RFA No.24 of 2013 dt.18.6.2015 the Gauhati High Court has passed judgment and order

in RFA 24 of 2013 awarding petitioner at the rate of Rs.200/- per sq.ft relates to LSC, and not periodic Patta in their knowledge.

It is this court who had held Rs.200/- per sq.ft in LA Case No.31 of 2013 to those 35 LSC holder petitioner which was affirmed by the Hon'ble Gauhati High Court, Aizawl bench and the location of the present petitioner's land are adjacent to the LSC land holder in LA case No.31 of 2013.

The present petitioner's land are located at Sairang/Sihhmui area, same as those lands of LSC holder in LA case No.31 of 2013, they are also entitled Land value compensation in Civil Appln. No. 2721/2012 reported in GLR 83 2012(1) in the State of Mizoram and other Vrs Lalbiakthanga the different is that the present petitioner are periodic pass holder, whereas whose land already compensated in LA case No 31 of 2013 are LSC holder. But on the other hand, periodic patta and Land Settlement Certificate holder are the status of Registration of land in the Revenue Department, if their land are acquired for Railway both the P.Patta and LSC holder will loss their respective lands as to whether P.Patta/LSC, forever.

So, in my consider opinion If they lost their land due to land acquisition, they are in the same footing as to whether LSC or P.Patta holders, they have also to enjoy the same benefit with that of LSC holder in LA case No. 31 of 2013.

With the observation, the District Collector, Aizawl and Northern Frontier Railway, Silchar, Cachar, Assam are hereby directed to re-access the compensation payable to the petitioner the land value of petitioners @ Rs.200/- per sq.ft, within a period of two months from the date of pronouncement of judgment, and shall disburse to the petitioners within further period of 2(two) months.

The reference case is therefore disposed off.

Announce in open court on this day 12th December of December 2016.

Sd/- VANLALMAWIA
Addl.District Judge-I
Aizawl Judicial District, Aizawl.

Memo No_____/ADJ-1(A)/2016 : Dated Aizawl the,12th Dec 2016.

Copy to :

1. District Judge, Aizawl
2. R.Zathanga & 36 ors through R.Laltanpuia & Ors advocate
3. The Deputy Commissioner cum Collector, Aizawl District, Aizawl through Addl. GA.
4. N.F Railway represented by Deputy Chief Engineer, NF Railway Silchar, Cachar C/o A.Hussain Advocate.
5. Judicial Section
6. Case record
7. Guard file.

PESHKAR