

**IN THE COURT OF SENIOR CIVIL JUDGE- 2
AIZAWL DISTRICT: AIZAWL, MIZORAM**

CIVIL SUIT NO. 34 OF 2011

Plaintiff:

Mr. Rodingliana
S/o Chawnghlira (L)
Seventh Day Tlang
Aizawl- Mizoram

By Advocate's : Mr. F. Lalengliana

Versus

Defendants:

1. The State of Mizoram
Represented by the Chief Secretary to the
Govt. of Mizoram
2. The Secretary to the Govt. of Mizoram
Land Revenue & Settlement Department
3. The Secretary to the Govt. of Mizoram
General Administration Department
4. The Deputy Commissioner
Aizawl District: Aizawl

By Advocate's : 1. Mr. R. Lalremruata, AGA
2. Miss Bobita Lalhmingmawii, AGA

Date of hearing : 27-07-2011

Date of Judgment & Order : 27-07-2011

BEFORE

Dr. H.T.C. LALRINCHHANA, Sr. CJ- 2

JUDGMENT & ORDER

This is a suit for payment of rental charge to the plaintiff due to illegal occupation of the land of the plaintiff by defendants 3&4 for location of the office of the Administrative Officer and Supply Godown since 1972 till date and for eviction of the defendants 3&4 from their illegal occupation of the suit land and for payment of compensation for the suit land. The plaintiff further submitted in the plaint that the suit land is allotted to the father of the plaintiff by the Village Council of Saitual prior to 1960 when the Village Council were competent to make allotment of the same. The land was subsequently occupied and look after for residential. During MNF insurgency in 1968, the suit land was forcefully occupied by the Army. After vacation of the suit land by the Army and while the plaintiff was about to occupy the suit land, he was prevented by the defendants and the land was rather utilized for location of the office of Administrative Officer, Saitual/Supply Godown. The plaintiff's father also have had received rental charges calculated from 1968 to 1972 which is also acknowledged by the then Administrative Officer, Saitual. A very similar case in the same footing was also decreed in Civil Suit No. 1 of 2000 but excluded the plaintiff in the said suit. Although legal notice u/s 80 of CPC was served to the defendants,

it was in vain. A requisite court fees at Rs. 5000/- is also paid in full. Thus prayed the following decree (i) for payment of rental charges for the period of occupation since 1972 till date or till payment is made as per the assessment to be made by the Deputy Commissioner/District Collector, Aizawl District (Defendant No. 5) (ii) for eviction of the defendants from the occupation of the landed property of the plaintiff OR for acquisition of the lands belonging to the plaintiffs as provided under Land Acquisition Act, 1894, if the same is permanently required by the defendants (iii) for costs of the suit and (v) any other relief which this court deems fit and proper.

Learned counsel for the plaintiff and learned AGA for the defendants appeared the court on 27/7/2011 and no written statement is made by the defendants and fairly submitted that the defendants are not willing to contest in the case. So is the admissions and no issues had arisen in the suit, by virtue of O. XII, R. 6 of the CPC, the suit may be adjudicated at this stage by taking the ratio already settled by the learned Assistant to Deputy Commissioner, Aizawl District in Civil Suit No. 2000 Dt. 2/11/2006 and which is upheld by the then court of ADM (J), Aizawl District in RFA No. 24/2006 Dt. 27.7.2009 in a very similar and same footing case.

Thus, the plaintiff is decreed that the defendant 1-4 are jointly and severally liable to vacate the suit land belonging to the plaintiff or acquire the same by paying the cost of land as may be assessed by the defendant no. 5 to the plaintiff as per the law within a period of six months from today. However, if the defendants 1-4 fail to vacate the suit land within six months or acquire the same as stated herein above, the plaintiff shall be entitled to payment of rental compensation/charges for the period from 1/1/1972 till the same is vacated or acquired together with cost of the land on the event of acquisition of the suit land subsequent to expiry of the period of six months. The amount payable by the defendants 1-4 shall be assessed by the defendant no. 5 as the concerned District Collector in accordance with the relevant provision of law after verifying the areas of the claim of the plaintiff in the presence of the plaintiff and the defendants 1-4 or in their behalf. This exercise shall be completed within a reasonable period without unnecessary delay.

The case shall stand disposed of accordingly but no order as to costs of the suit as fairly admitted liabilities by the defendants.

Give this copy to all concerned with decree.

Given under my hand and seal of the court on this 27th July, 2011

Dr. H.T.C. LALRINCHHANA

Senior Civil Judge- 2
Aizawl District: Aizawl

Memo No. CS/34/2011, Sr. CJ (A)/

Dated Aizawl, the 27th July, 2011

Copy to:

1. Mr. Rodinglana S/o Chawnghlira (L), Seventh Day Tlang, Aizawl-Mizoram
5. The State of Mizoram Represented by the Chief Secretary to the Govt. of Mizoram

6. The Secretary to the Govt. of Mizoram, Land Revenue & Settlement Department
7. The Secretary to the Govt. of Mizoram, General Administration Department
8. The Deputy Commissioner, Aizawl District: Aizawl
2. P.A. to Hon'ble District Judge, Aizawl Judicial District- Aizawl
3. Case Record

PESKAR