

**IN THE COURT OF SENIOR CIVIL JUDGE- 1
AIZAWL DISTRICT: AIZAWL, MIZORAM**

CIVIL SUIT NO. 25 OF 2005

Plaintiff:

Mr. Vanzika (Dead)
S/o Zothangpuia
Zembawk (Beraw Veng), Aizawl

Represented by:
Mr. Lalrinawma
S/o Vanzika (L)
Zemabawk, Aizawl

By Advocate's : Miss N. Lalzawmliani

Versus

Defendants:

1. The Secretary to the Govt. of Mizoram
Land Revenue & Settlement Department, Aizawl.
2. The Director
Land Revenue & Settlement Department, Aizawl.
Government of Mizoram, Aizawl.
3. The Assistant Settlement Officer – I
Land Revenue & Settlement
Aizawl District, Aizawl
4. Mr. Kawlkhuma
Zemabawk (Beraw Veng)
Aizawl- Mizoram

By Advocates :

For the defendants 1-3 : 1. Mr. R. Lalremruata, AGA
2. Miss Bobita Lalhmingmawii, AGA

For the defendant no. 4 : 1. Mr. W Sam Joseph
2. Mr. Zochhuana
3. Mr. Hranghmingthanga Ralte

Date of Arguments : 09-07-2012

Date of Judgment & Order : 12-07-2012

BEFORE

Dr. H.T.C. LALRINCHHANA, MJS
Senior Civil Judge-1
Aizawl District: Aizawl

JUDGMENT & ORDER

BRIEF STORY OF THE CASE

The plaintiff in his plaint submitted that he had purchased a land under Village Council Pass No. 81/1963 located at Beraw Veng, Zemabawk in consideration of Rs. 1000.00 on 17th July, 1975. On that basis, the said land was converted into LSC No. Azl. 3761 of 1986. As the defendant no. 4 preferred a complaint, cancellation order of the said LSC was passed by the defendant no. 2 under No. C. 13016/N-6/04- DISP/DTE (REV) Dt. Aizawl, the 14th June, 2005. After receiving reply from the plaintiff, the defendant no. 2 again affirmed the said cancellation order under No. C. 13016/N-6/04- DISP/DTE (REV) Dt. Aizawl, the 21st July, 2005. The plaintiff therefore prayed to declare the plaintiff as having title and legal ownership over to the said LSC No. Azl. 3761 of 1986 and also prayed to direct the defendants not to disturb the plaintiff from peaceful possession of the suit land during pendency of the case. By virtue of Section 80 (2) of the Code of Civil Procedure, 1908, the plaintiff is allowed to file the suit without prior legal notice in Civil Misc. Application No. 23 of 2005.

The defendants 1-3 in their joint written statements contended that the plaint lacks requisite court fees in contravention of the Court Fees (Mizoram Amendment) Act, 1996 and is bad for non-joinder of necessary parties. House Pass No. 81 of 1963 was cancelled by the Government as the land was utilized for settlement and house sites of uprooted families due to insurgency in 1966. Conversion of House Pass No. 81 of 1963 into LSC was made without the prior approval of the government or Director of Land Revenue and Settlement Department. The plaintiff intentionally and illegally demarcated the land and building of the plaintiff and included in his LSC. Thus, prayed to dismiss of the suit.

The defendant no. 4 also contested by submitting his written statement stating that the suit is bad for non-joinder of necessary parties like exclusion of (i) State of Mizoram and (ii) legal representative of Mr. Rualzachhinga. The plaintiff has no cause of action in the case. The defendant no. 4 occupied the suit land since 1967. If the plaintiff has purchased the suit land from Mr. Rualzachhinga, it will be void ab initio. The plaintiff concealed facts for obtaining his LSC like the settlement decisions of the Assistant to the Deputy Commissioner under No. DCR/HC-1/79/Pt./11 Dt. 28th July, 1979. Furthermore, after ample time and opportunity of being heard of the plaintiff, the Revenue Department passed the impugned order. Thus, prayed to dismiss of the suit.

ISSUES

Issues were framed by the Court on 05.07.2006 and amended towards correct findings as below-

1. Whether the present suit is maintainable in its present form and style.

2. Whether the suit is bad for non-joinder of necessary parties
3. Whether the impugned order under No. C. 13016/N-6/04-DISP/DTE (REV) Dt. Aizawl, the 21st July, 2005 is liable to set aside or not.
4. Whether the plaintiff is entitled to the relief claim. If so, to what extend.

BRIEF ACCOUNT OF EVIDENCE

For the plaintiff:

The plaintiff had produced the following witnesses namely-

1. Mr. Vanzika S/o Zothangpuia, Zemabawk, Beraw Veng, Aizawl, Mizoram (Hereinafter referred to as PW-1)
2. Mr. R. Hmingthanmawia S/o Rualzachhinga (L), Zemabawk, Beraw Veng, Aizawl, Mizoram (Hereinafter referred to as PW-2)
3. Mr. C. Lalchhuana S/o Kawlluta (L), Zemabawk, Aizawl (Hereinafter referred to as PW-3)

The **PW-1** in his examination in chief reiterated and affirmed the contents of the plaint being the plaintiff himself. He stated that he possessed the suit land since he purchased from Mr. Rualzachhinga (L) by constructing Assam Type building. He further continued that-

Ext. P-1 is 'Acknowledgement Letter" issued by Smt. Thanmawii W/o Late Rualzachhinga Dt. 6/7/2005

Ext. P-2 is a copy of LSC No. Azl. 3761 of 1986.

Ext. P-3 is a copy of order passed by Director, LR &S Department Dt. 14/6/2005.

Ext. P-4 is a copy of Show Cause Notice issued by ASO-I, Aizawl.

Ext. P-5 is a copy of representation submitted by the plaintiff to the Director, LR&S Deptt. Dt. 6/7/2005

Ext. P- 5(a) is a copy of letter addressing the Minister i/c Revenue, by the VCP, Zemabawk Dt. 7/7/2005

Ext. P-6 is a copy of No Objection Certificate issued by ASO-I

Ext. P-7 is a copy of Non-Encumbrance Certificate issued by ASO-I

Ext. P-8 is a copy of order passed by Director, LR &S Department Dt. 21/7/2005.

Ext. P- 9 (a), (b) and (c) are the revenue tax payment receipt

During cross examination, **PW-1** stated that he stayed at Zemabawk due to grouping during MNF insurgency in 1967 from Bungbanga. He admitted that he paid only Rs. 73/- of court fees and no court fees is paid in

his affidavit in the plaint. He admitted that for obtaining LSC No. Azl. 3761 of 1986, he did not obtain no-objection certificate from the defendant no. 4. In 1979, there was dispute with the defendant no. 4 over to the suit land when the Revenue Officer also came to the spot. He admitted that before he occupied the suit land, the defendant no. 4 already settled in the disputed area.

The **PW-2** in his examination in chief stated that the disputed land was originally belonging to his late father who died in 1987. In 1975, the plaintiff had purchased the suit land from his deceased father by paying Rs. 1000/-. Other portion of the land covered by Village Council Pass No. 81 of 1963 was also purchased by Mr. Suakkunga and Mr. Kaphrangvunga in 1990 from his mother after the death of his father.

During cross examination, **PW-2** stated that the defendant no. 4 occupied the suit land since 1966 to 1967 till today. He also admitted that the plaintiff and the defendant no. 4 occupied their respective area since 1966 - 1967 till date although the plaintiff claimed the entire area of the suit land. At the time of demarcation of the LSC of the plaintiff, the house building of defendant no. 4 already existed.

The **PW-3** in his examination in chief deposed that he was a member of Village Council, Zembawk during 2000 – 2005, both the defendant no. 4 and the plaintiff occupied the suit land since 1967. The defendant no. 4 also occupied the area covered by Village Council Pass No. 81 of 1963 which was purchased by the plaintiff from Mr. Rualzachhinga.

In his cross examination, he deposed that he started living at Zemabawk since 1957. The Mizo District Council Notification on withdrawal of the power of village council for house site allotment at Zemabawk was beyond his knowledge.

The **PW-4** in his examination in chief stated that the disputed land was originally belonging to his late father who died in 1987. In 1975, the plaintiff had purchased the suit land from his deceased father by paying Rs. 1000/-. Other portion of the land covered by Village Council Pass No. 81 of 1963 was also purchased by Mr. Suakkunga and Mr. Kaphrangvunga in 1990 from his mother after the death of his father.

During cross examination, **PW-4** stated that the defendant no. 4 occupied the suit land since 1967 till today. His father was died in 1987.

For the defendant nos 1-3:

The defendant no. 1-3 had produced only one witness namely –

1. Shri R.L. Rindika, Superintendent, Directorate of Land Revenue and Settlement, Govt. of Mizoram (Hereinafter referred to as DW for Def. no. 1-3)

The **DW-1 for Def. no. 1-3** in his examination in chief mainly affirmed the averments and submissions in their written statements. He further deposed that Ext. D-1 is their written statement. Ext. D-1 (a) is the signature of the then Under Secretary, Revenue Department.

During his cross examination, he further deposed that his deposition and knowledge of the case is on the basis of official record. No LSC can be made without approval of the competent authority.

For the defendant no. 4:

The defendant no. 4 had produced two witnesses namely -

- 1 Mr. Kawlkhuma, Zemabawk, Beraw Veng, Aizawl (Hereinafter referred to as DW-1 for Def. no. 4)
2. Mr. Lalkima S/o Zokhawsiana (L), Zemabawk Venglai- Aizawl (Hereinafter referred to as DW-2 for Def. no. 4)

The **DW-1 for Def. no. 4** in his examination in chief mainly affirmed his submissions in his written statement as defendant no. 4. He further deposed that-

Ext. D-1 is a copy of Notification under Memo No. ED. 7/1444-57 Dt. 9.6.1960 issued by the Chief Executive Member, Mizo District Council

Ext. D-2 is a copy of Order under memo No. DCR/HC-1/79/Pt./11 Dt. 28-07-1979 passed by the Assistant to Deputy Commissioner

Ext. D-3 is a copy of notice under memo No. ZBG. 1/82/1688-27 Dt. 17.2.1983 issued by the Director, Land Revenue and Settlement Department

Ext. D-4 is a copy of order passed by the Under Secretary to the Govt. of Mizoram under memo No. LRR. 71/73-4/136-138 Dt. 30-01-1984

Ext. D-5 is a copy of order under memo No. R. 14017/1/84- DC (A)/35 Dt. 26-06-1985 passed by the Assistant to Deputy Commissioner for cancellation of passes of land of 13 persons

Ext. D-6 is a copy of letter dt. 28-02-2005 sent to Minister i/c Revenue by VCP, Zemabawk.

In his cross examination, he admitted that the plaintiff has purchased the Village Council Pass No. 81 of 1963 from Mr. Rualzachhinga. He admitted that he did not have any pass over to the suit land. he did not have any documents from the Government showing his rights over the suit land.

In his re-examination, he clarified that the settled down in the suit land due to forceful grouping by the Government during insurgency period, the pass was not yet issued in his favour over to the suit land.

The **DW-2 for Def. no. 4** in his examination in chief deposed the defendant no. 4 occupied the suit land during the period of MNF insurgency and never shifted to any other places even during 1978 when some of the families were shifted out from grouping area.

In his cross examination, he further deposed that he did not know whether the defendant no. 4 have a valid pass over to the suit land or not. Although he did not know the time when the plaintiff started to occupy the

suit land, he knew that the defendant no. 4 occupied the suit land since 1967.

FINDINGS

Issue No. 1

Whether the present suit is maintainable in its present form and style.

As the PW- 1 also admitted during his cross examination that the plaintiff paid only Rs. 73/- of court fees which is in violation of the provision of the Court Fees (Mizoram Amendment) Act, 1996 (Act No. 5 of 1997). On the other hand, the provisions of sub- rule (4) of rule 15 under Order VI of the CPC is fully complied with. Exemption order from prior legal notice to the state defendants is also made.

Issue No. 2

Whether the suit is bad for non-joinder of necessary parties

The defendant no. 4 in his written statement contended that failure to implead "*State of Mizoram*" as defendant and the legal representative of Mr. Rualzachhinga from where the plaintiff had purchased the suit land is bad in law and which can vitiate the proceedings. Law on that crux is well settled by Hon'ble Supreme Court in **Ranjeet Mal Vs. General Manager, Northern Railway, New Delhi & Anr.**, AIR 1977 SC 1701, the Supreme Court considered a case where the writ petition had been filed challenging the order of termination from service against the General Manager of the Northern Railways without impleading the Union of India. The Court held as under :-

"The Union of India represents the Railway Administration. The Union carries administration through different servants. These servants all represent the Union in regard to activities whether in the matter of appointment or in the matter of removal. It cannot be denied that any order which will be passed on an application under Article 226 which will have the effect of setting aside the removal will fasten liability on the Union of India, and not on any servant of the Union. Therefore, from all points of view, the Union of India was rightly held by the High Court to be a necessary party. The petition was rightly rejected by the High Court."

Hon'ble Gauhati High Court in the case of **Commissioner -cum-Secretary & Ors vs. T.C. Syndicate & Ors** reported in 2011 (2) GLT 12 also took a view in paragraphs 35 & 36, which is reproduced (relevant lines) as follows:

"A combined reading of the statutory provisions prescribed by sections 79 and Order 27 Rule 3 and 5A CPC makes it abundantly clear that in suits against State Government or its officers, for any official act or the "State" is required to be added as a party to the suit. Though section 80 CPC has provided that

issuance of notice to “the Secretary to the Government” or “the Collector of the District” in case of claim relief against the Government is sufficient compliance, the provisions prescribed by Section 79 and Order 27 as aforesaid, make it **mandatory** that the concerned State should be added as a defendant,” (para 35).

“In the present case before us, the plaintiffs have not added “the State of Arunachal Pradesh” as a defendant. Though the Commissioner cum Secretary, Department of Power, Govt. of Arunachal Pradesh, Itanagar was added as defendant No. 1, there is nothing to find that he was added as a representative of the State Government. . . . Therefore, as the Government i.e. the State of Arunachal Pradesh has not been joined as a party, the suits are apparently hit by the statutory provisions of Section 79 and Order 79 Rule 3 & Rule 5A of CPC and as such the same are **not maintainable** in the eye of law,” (para 36).

Thus, failure to implead state of Mizoram as parties is bad in law which can vitiate the proceedings. Also vide, **Sangamesh Printing V. Chief Executive Officer, Taluk Development Board** reported in (1999) 6 SCC 44: **Kali Prasad Agarwala (Dead by L.Rs.) & Ors. v. M/s. Bharat Coking Coal Limited & Ors.** AIR 1989 SC 1530.

With regards to failure to implead legal representative of the deceased Mr. Rualzachhinga, the admitted facts is that during 1975, the plaintiff had purchased the suit land under Village Council Pass No. 81 of 1963 from the said deceased as deposed by PW-1 and corroborated by other depositions of PWs and which the version of the defendants did not deny. As per Ext. D-1 of the defendant no. 4 viz. Notification No. ED. 7/1444-57 Dt. 9.6.1960 issued by the Chief Executive Member, Mizo District Council, allotment of sites shall be done by Village Council only with the previous approval of the Executive Committee of Mizo District Council. It was duly restricted by virtue of S. 3 of the Lushai Hills District (House Sites) Act, 1953 in respect of (i) Lunglawn (ii) Zohnuai/Zotlang (iii) Chaltlang (S) (iv) Melthum (v) Zembawk. Meanwhile, as it speak itself, Village Council Pass No. 81 of 1963 was issued after curbing the jurisdiction of Village Council, Zemabawk, the version of the defendants is therefore tenable in law as Village Council Pass No. 81 of 1963 is void ab initio. Law on necessary party is well settled in **U.P. Awas Evam Vikas Parishad Vs. Gyan Devi (Dead) By Lrs. & Ors.** decided on 20/10/1994 in connection with Appeal (civil) 7067 of 1994 reported in 1995 AIR 724, 1994 (4) Suppl. SCR 646, 1995 (2) SCC 326, 1994 (4) SCALE 755, 1994 (7) JT 304, it was held thus-

“The law is well settled that a necessary party is one without whom no order can be made effectively and a proper party is one in whose absence an effective order can be made but whose presence is necessary for a complete and final decision of the question involved in the proceeding. (See: Udit Narain Singh Malpaharia v. Additional Member, Board of Revenue, [1963] Supp. 1 SCR 676, at p. 681.”

As the said Village Council Pass No. 81 of 1963 is arbitrary where the cause of action had arisen whilst Ext. P-2 further elicited that LSC No. Azl. 3761 of 1986 was issued without prior approval of the Director of Land Revenue and Settlement Department or the government of Mizoram from the building erected under Village Council Pass No. 81 of 1963, the said legal representative of the deceased Mr. Rualzachhinga who sold the suit land to the plaintiff will be a necessary party in the lis so as to reach the truth towards finding out of justice.

Issue No. 3

Whether the impugned order under No. C. 13016/N-6/04- DISP/DTE (REV) Dt. Aizawl, the 21st July, 2005 is liable to set aside or not.

Before passing of Ext. P- 8 viz. Order under No. C. 13016/N-6/04-DISP/DTE (REV) Dt. Aizawl, the 21st July, 2005, Ext. P-3 viz. an order passed by Director, LR &S Department under No. C. 13016/N-6/04-DISP/DTE (REV) Dt. Aizawl Dt. 14/6/2005 was made. The said Ext. P-3 was passed by the defendant no. 2 on the basis of their Ext. D-4 viz, Order under Memo No. LRR.7/73-4/136-138 Dated Aizawl, the 30th Jan., 1984, by putting at Serial No. 8, Village Council Pass No. 81 of 1963 was cancelled by the Government of Mizoram whereas evacuation and grouping of villages was brought about in the wake of the insurgency in Mizoram in 1966. More so, the said Ext. P-3 was reasons that the existing house building of defendant no. 4 who dwelled since village grouping was included in the LSC No. Azl. 3761 of 1986 of the plaintiff. The defendant no. 2 found that the said LSC No. Azl. 3761 of 1986 was clandestinely moved/applied by the plaintiff by concealing material facts about its consequences. Thus, cancellation order of LSC No. Azl. 3761 of 1986 was realized.

However, due to belated show cause reply marked as Ext. P-5 of the plaintiff, after giving opportunity of being heard of the plaintiff, the impugned Order under No. C. 13016/N-6/04- DISP/DTE (REV) Dt. Aizawl, the 21st July, 2005 with speaking orders like – as per Ext. D-4 viz, Order under Memo No. LRR.7/73-4/136-138 Dated Aizawl, the 30th Jan., 1984, by putting at Serial No. 8, the Village Council Pass No. 81 of 1963 was cancelled by the Government of Mizoram whereas evacuation and grouping of villages was brought about in the wake of the insurgency in Mizoram in 1966. More so, the said Ext. P-4 was reasons that the existing house building of defendant no. 4 who dwelled since village grouping was included in the LSC No. Azl. 3761 of 1986 of the plaintiff. The defendant no. 2 found that the said LSC No. Azl. 3761 of 1986 was clandestinely moved/applied by the plaintiff by concealing material facts about its consequences. The disguise of the plaintiff like issuance of LSCs to Mr. Kaphrangvunga and Mr. Suakkunga, the defendant no. 2 found different footing as their LSCs encroached upon no other areas and harmed no other persons. I therefore find no reasons to set aside and quash the impugned Order under No. C. 13016/N-6/04- DISP/DTE (REV) Dt. Aizawl, the 21st July, 2005 as it fully observed natural justice with reasons as recently held by the Hon'ble Supreme Court in **Justice P.D. Dinakaran Vs. Hon'ble Judges Inquiry Committee and others** in connection with Writ Petition (Civil) No. 217 of 2011 decided on 05-07-2011 and in **Ravi Yashwant Bhoir vs The**

Collector, District Raigad & Ors. decided on 2 March, 2012 in connection with Civil Appeal No. 2085 of 2012.

Rather the principles of what cannot be done directly, is not permissible to be done indirectly is the true sense in the case of the plaintiff by utilizing the efficacy of the judiciary as recently held in **State Of T.Nadu & Ors. vs K Shyam Sunder & Ors.** decided on 9 August, 2011 in connection with Civil Appeal Nos. 6015-6027/2011, the Supreme Court has held that-

“28. It is a settled proposition of law that what cannot be done directly, is not permissible to be done obliquely, meaning thereby, whatever is prohibited by law to be done, cannot legally be effected by an indirect and circuitous contrivance on the principle of quando aliquid prohibetur, prohibetur at omne per quod devenitur ad illud. An authority cannot be permitted to evade a law by shift or contrivance. (See: Jagir Singh v. Ranbir Singh, AIR 1979 SC 381; M.C. Mehta v. Kamal Nath & Ors., AIR 2000 SC 1997; and Sant Lal Gupta & Ors. v. Modern Co-operative Group Housing Society Ltd. & Ors., JT 2010 (11) SC 273).”

Issue No. 4

Whether the plaintiff is entitled to the relief claim. If so, to what extend.

As the impugned order under No. C. 13016/N-6/04- DISP/DTE (REV) Dt. Aizawl, the 21st July, 2005 which cancelled LSC No. Azl. 3761 of 1986 of the plaintiff is held as valid in the eye of law. No relief for declaring the plaintiff as the legal and rightful owner of the property covered by LSC No. Azl. 3761 of 1986 can be decreed. Due to lack of requisite court fees, bad of the suit due to non-joinder of necessary parties and no merits of the case of the plaintiff, the suit is cogently liable to dismiss.

In the meantime, as the defendant no. 4 stood as DW-1 for defendant no. 4 admitted during his cross examination that he have no any passes or landed documents over to the suit land either from the government or any other authority and whilst the plaintiff also occupied the area where he constructed his house building in the suit land continuously since 1975 and whereas the defendant no. 4 also continuously occupied the suit land by constructing house building since MNF insurgency when village grouping was urged viz. 1967. Justice may be buried if either the plaintiff or the defendant no. 4 be evicted from their respective occupied elakas.

Admittedly, statutory laws authorized the Executive viz. Revenue Department, Govt. of Mizoram to make allotment of land and issue necessary LSC for the same which is also recognize in the case of **Union of India vs. Shree Gajanan Maharaj Sansthan** reported in 2002 (5) SCC 44. The Supreme Court observed in para 7, as follows:

"It, therefore, became necessary to leave the judgment to the executive as to when the law should be brought into force.

When enforcement of a provision in a statute is left to the discretion of the Government without laying down any objective standards, no writ of mandamus could be issued directing the government to consider the question whether the provision should be brought into force and when it can do so. Delay in implementing the will of Parliament may draw adverse criticism but on the data placed before us, we cannot say that the Government is not alive to the problem or is desirous of ignoring the will of Parliament."

Ext. D-2 of the defendant no. 4 is a copy of Order under memo No. DCR/HC-1/79/Pt./11 Dt. 28-07-1979 passed by the Assistant to Deputy Commissioner which says that-

"Pu Vanzika leh Pu Kawlkhumate hi an mahni hmun ngai, tun hma a an in dinna hmun ve ve ah an awm anga, Pu Vanzika hian a in sak thar chu a hma atanga a in lo dinna thinah a sawn tur ani. Tun chinah a tu ve ve pawhin buaina an siam tawh tur ani lo. Pass pek thu chu Board in tha atih andin a ngaihtuah ang a. Hei hi tuna an buaina chin fel sak nan a tih ani".

The settlement of disputes as per Order under memo No. DCR/HC-1/79/Pt./11 Dt. 28-07-1979 passed by the Assistant to Deputy Commissioner can only remedied the instant disputes towards justice, equity and good conscience if the parties in the lis amicably agreed.

ORDER

UPON hearing of parties and in view of the findings under issue no. 4, although the suit is liable to dismiss, dismissal of the suit will not meet justice whilst the entire journey of a judiciary is to discern the truth and to chalk out everlasting justice and although this court is not competent to direct the defendants 1-3 for issuance of LSCs to the plaintiff and defendant no. 4 [Vide, **Union of India vs. Shree Gajanan Maharaj Sansthan** (supra.)] as per the Order under memo No. DCR/HC-1/79/Pt./11 Dt. 28-07-1979 passed by the Assistant to Deputy Commissioner marked as Ext. D-2 of the defendant no. 4. And whereas, doctrine of proportionality is recognized by Hon'ble Supreme Court for adjudicating the lis in **Charanjit Lamba vs. Commanding Officer, Southern Command and Ors**, reported at AIR 2010 SC 2462. And whereas, procedure is the handmaid of justice is the well settled principles as held by their Lordship of Hon'ble Supreme Court in **Shreenath & Another vs Rajesh & Others** decided on 13 April, 1998 reported in 1998 AIR 1827, 1998 (2) SCR 709, 1998 (4) SCC 543, 1998 (2) SCALE 725, 1998 (3) JT 244: In **Mahadev Govind Gharge & Ors vs Spl. Land Acquisition Officer, Upper Krishna Project, Jamkhandi** decided on 10 May, 2011 in connection with Civil Appeal Nos. 5094 of 2005: **M.S. Grewal v. Deep Chand Sood** reported in (2001) 8 SCC 151: **Sushil Kumar Sen v. State of Bihar** (1975) 1 SCC 774: **The State of Punjab and Anr. v. Shamlal Murari and Anr.** (1976) 1 SCC 719.

Thus, solely for the purpose of justice, equity and good conscience, the defendants 1-3 are kindly requested to issue LSCs in favour of the plaintiff and defendant no. 4 on the basis of the findings under Order Vide, memo No. DCR/HC-1/79/Pt./11 Dt. 28-07-1979 passed by the Assistant to Deputy Commissioner (Already quoted above) if the plaintiff and defendant no. 4 amicably agreed the said terms and if the defendants 1-3 may agree to lend their clemency and right hands to the plaintiff. No other right of the plaintiff or the defendant no. 4 is found in the course of the proceedings of the case over to the suit land.

Due to the peculiarities of the case, no order as to costs of the suit.

With the above terms, the case shall stand disposed of.

Give this copy to all concerned.

Given under my hand and seal of this court on this 12th July, 2012 Anno Domini within the premises and during the working hours of this court and is pronounced in an open court.

Dr. H.T.C. LALRINCHHANA

Senior Civil Judge- 1

Aizawl District: Aizawl

Memo No. CS/25/2005, Sr. CJ (A)/

Dated Aizawl, the 12th July, 2012

Copy to:

1. Mr. Lalrinawma S/o Vanzika (L), Zemabawk, Aizawl through Miss N. Lalzawmliani, Adv.
2. The Secretary to the Govt. of Mizoram, Land Revenue and Settlement Department, Govt. of Mizoram, Aizawl through Mr. R. Lalremruata, AGA
3. The Director, Land Revenue and Settlement Department, Govt. of Mizoram, Aizawl through Mr. R. Lalremruata, AGA
4. The Assistant Settlement Officer – I, Land Revenue & Settlement, Aizawl District, Aizawl through Mr. R. Lalremruata, AGA
5. Mr. Kawlkhuma, Zemabawk (Beraw Veng), Aizawl- Mizoram through Mr. W. Sam Joseph, Adv.
6. P.A to Hon'ble District Judge, Aizawl Judicial District- Aizawl
7. Case record

PESKAR