

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

TITLE SUIT NO. 04 OF 2001

Plaintiffs:

1. Mr. M.S. Dawngliana @ Malsawmdawngliana
S/o Vanlallawma
Sakawrtuichhun, Aizawl
2. Ms. Lalvenhimi (Minor)
D/o Mr. M.S. Dawngliana
Sakawrtuichhun, Aizawl
By natural guardian Mr. M.S. Dawngliana
3. Ms. Lalenkawli (Minor)
D/o Mr. M.S. Dawngliana
Sakawrtuichhun, Aizawl
By natural guardian Mr. M.S. Dawngliana
4. Ms. Vanlalremi
W/o M.S. Dawngliana
Sakawrtuichhun, Aizawl
5. Ms. Lalengmawii
D/o Mr. M.S. Dawngliana
Sakawrtuichhun, Aizawl
6. Mr. Sawmsanga
S/o Mr. M.S. Dawngliana
Sakawrtuichhun, Aizawl
7. Ms. Ramthanmawii
D/o Mr. M.S. Dawngliana
Sakawrtuichhun, Aizawl
By natural guardian Mr. M.S. Dawngliana

By Advocates

- : 1. Mr. W Sam Joseph, Adv.
2. Mr. Zochhuana, Adv.
3. Mr. Hranghmingthanga Ralte, Adv.
4. Mr. F. Lalengliana, Adv.
5. Mr. Francis Vanlalzuala, Adv.
6. Mr. C. Lalfakzuala, Adv.

Versus

Defendants:

1. The State of Mizoram,

Through the Chief Secretary to the Govt. of Mizoram,
Aizawl

2. The Secretary to the Govt. of Mizoram,
Land Revenue and Settlement Department,
Govt. of Mizoram, Aizawl
3. The Collector
Aizawl District: Aizawl
4. The Deputy Commissioner (Revenue)
Aizawl District, Aizawl.
5. The Director,
Land Revenue and Settlement Department,
Govt. of Mizoram, Aizawl
6. The Officer in Command (OPs)
BSF, SHQ, Durtlang- Aizawl

By Advocates :

For the defendants no. 1-5 : 1. Mr. R. Lalremruata, AGA
2. Miss Bobita Lalhmingmawii, AGA

For the defendants no. 6 : Mr. Abul Hussain

Date of Arguments : 18-06-2012

Date of Judgment & Order : 20-06-2012

BEFORE

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

JUDGEMENT & ORDER

INTRODUCTORY

Here is one simple paradoxical experience where land acquisition process is made through the Land and Revenue Department, Govt. of Mizoram and embarrassingly issued valid House Passes and later LSCs over the claimed acquired land by the Land and Revenue Department, Govt. of Mizoram themselves where right to property of the plaintiffs is thereby involved.

BRIEF STORY OF THE CASE

The plaintiffs in their plaint submitted that the first plaintiff was allotted a land at Sakawrtuichhun Phuldungsei in the year of 1965 by the Village Council, Sakawrtuichhun and he looked after the said land. In the

year of 1993, as per Notification No. K-12011/20/93- REV/2 Dated 28th June, 1993 under section 4 of the Land Acquisition Act, 1894, the government intended to acquire the land for the purpose of establishing Group Centre Headquarters of SSB, Aizawl, the land of the first plaintiff with an area of 6000 Sq. m was included for the said land acquisition. Meanwhile, as per Notification No. K-12011/20/93- REV/ Dated 13th January, 1995, the said acquisition notification was withdrawn. The Government also paid compensation due for damage suffered by the owner in consequence of the notice under section 48 (2) of the Land Acquisition Act, 1894. Subsequently as applied by the plaintiff, the Revenue authorities issued seven regular House Passes in favour of the plaintiff as given below-

1. M.S. Dawngliana under H. Pass No. 586 of 1995 with area of 1285 Sq. m
2. Lalvenhimi under H. Pass No. 282 of 1995 with area of 1237 Sq. m
3. Lalenkawli under H. Pass No. 587 of 1995 with area of 1310 Sq. m
4. Vanlalremi under H. Pass No. 585 of 1995 with area of 1313 Sq. m
5. Lalengmawii under H. Pass No. 583 of 1995 with area of 1275 Sq. m
6. Sawmsanga under H. Pass No. 284 of 1995 with area of 1275 Sq. m
7. Ramthanmawii under H. Pass No. 589 of 1995 with area of 1313 Sq. m

Thereafter the plaintiffs obtained LSCs as duly issued by the competent authority as follows-

1. M.S. Dawngliana under LSC No. Azl. 332 of 1997 with area of 1076. 25 Sq. m.
2. Lalvenhimi under LSC No. Azl. 333 of 1997 with area of 857. 25 Sq. m.
3. Lalenkawli under LSC No. Azl. 334 of 1997 with area of 1007. 00 Sq. m.
4. Vanlalremi under LSC No. Azl. 335 of 1997 with area of 482. 99 Sq. m.
5. Lalengmawii under LSC No. Azl. 336 of 1997 with area of 768. 00 Sq. m.
6. Sawmsanga under LSC No. Azl. 338 of 1997 with area of 887. 50 Sq. m.
7. Ramthanmawii under LSC No. Azl. 337 of 1997 with area of 836. 50 Sq. m.

However, the SSB personnel prevented the plaintiffs from utilizing their lands. After the land acquisition notification was withdrawn, the plaintiffs did not receive any fresh notification for initiation of the proceeding again under the relevant provision of the Land Acquisition Act, 1894. The plaintiffs were not given a copy of any award passed by the Collector under the Land Acquisition Act, 1894. The plaintiffs were under the impression that the compensation paid to the first plaintiff was only for the damage suffered by him in consequence of the notice and proceedings drawn for acquisition of the said land permitted under the provisions of S.

48 (2) of the Land Acquisition Act, 1894. The total area of land belonging to the plaintiffs under occupation of the defendant no. 6 is 5915.49 Sq. m. The present market value of land is Rs. 30/- per Sq ft and total amount comes Rs. 19,09,520.10. Court fees at Rs. 5000/- is also paid by the plaintiffs. The plaintiffs therefore prays that (i) a decree be passed declaring that the Govt. of Mizoram has no authority to cancel the notification by which the land acquisition proceedings were withdrawn and the allotment made in favour of the defendant no. 6 over the lands of the plaintiffs are null and void (ii) a decree be passed declaring that the plaintiffs are the legal and rightful owner of the land covered under Land Settlement Certificates of the plaintiffs and the plaintiffs are entitled to get vacant possession (iii) a decree be passed directing the defendants to give vacant possession of the suit land to the plaintiffs. In case the defendants cannot give vacant possession let it be declared that the plaintiffs are entitled to rent for occupying their land by the defendant no. 6. In case they require the land compensation at the rate of Rs. 30/- per Sq ft and 30 % solatium and interest at the rate of 12% per annum be decreed in favour of the plaintiffs or let the said land be acquired as per Land Acquisition Act and adequate compensation as per the present market value be decreed in favour of the plaintiffs (iv) by way of permanent and mandatory injunction the defendants be directed not to do any act in respect of the said land which is detrimental to the interest of the plaintiffs (v) let the rent at the rate allowed by the Mizoram Urban Areas Rent Control Act for illegal occupation of the plaintiffs land by the defendant no. 6 with effect from 1995 till vacant possession is given to the plaintiffs be decreed in favour of the plaintiffs. (vi) cost of the suit in favour of the plaintiffs against the defendants (vii) interest rate @ 12% per annum over all the amounts due to the plaintiffs by way of rent as well as by way of compensation be decreed in favour of the plaintiffs against the defendant no. 6 and (viii) any other relief to which the plaintiffs are entitled according to justice, equity and good conscience be decreed in favour of the plaintiffs.

The State of Mizoram in their written statement contended that the suit is bad for non-joinder of necessary parties, barred by law of limitation, doctrine of estoppels and acquiescence. The plaintiffs have no documentary proof for allotment of the suit land by the Village Council. The suit land was covered by bamboo groves and thereby assessed only Rs. 65,164.00 as compensation. Withdrawal notification of the land acquisition process was seceded under Notification No. K-12011/20/93- REV/ Dated 31st January, 1995 and thereby resumed the acquisition process and finalized in the month of July, 1995. The plaintiffs rather committed cheating for splitting the suit land into seven regular House Passes to the Revenue authorities. Conversion of the said House Passes into LSCs was another fraudulent act of the plaintiffs. The plaintiffs already received compensation amounting to Rs. 65,164.00. The land in question has been duly acquired by the Government Vide Award No. 1 of 1995 and also paid compensation to the plaintiff no. 1. The market value of the land cannot be more than Rs. 2/- per Sq. ft. thus, prayed to dismiss of the suit with costs of the suit.

The defendant no. 6 in their written statement contended that the suit is bad for non-joinder of necessary parties, barred by law of limitation, doctrine of estoppels and acquiescence. The plaintiffs have no documentary

proof for allotment of the suit land by the Village Council. The suit land was covered by bamboo groves and thereby assessed only Rs. 65,164.00 as compensation. Withdrawal notification of the land acquisition process was seceded under Notification No. K-12011/20/93- REV/ Dated 31st January, 1995 and thereby resumed the acquisition process and finalized in the month of July, 1995. The plaintiffs rather committed cheating for splitting the suit land into seven regular House Passes to the Revenue authorities. Conversion of the said House Passes into LSCs was another fraudulent act of the plaintiffs. The plaintiffs already received compensation amounting to Rs. 65,164.00. The land in question has been duly acquired by the Government Vide Award No. 1 of 1995 and also paid compensation to the plaintiff no. 1. The market value of the land cannot be more than Rs. 2/- per Sq. ft. thus, prayed to dismiss of the suit with costs.

ISSUES

The following issues were framed on 16.9.2003 such as -

1. Whether the suit is maintainable in its present form and style
2. Whether this court has jurisdiction to try the instant case
3. Whether the suit is barred by law of limitation, estoppels and acquiescence
4. Whether the disputed land had already been acquired by the Government in the year of 1996 for establishment of SSB Group Centre
5. Whether the LSCs held by the plaintiffs in respect of the disputed land are valid in all respect
6. Whether the plaintiffs are entitled to the relief claimed. If so, to what extend.

BRIEF ACCOUNT OF EVIDENCE

For the plaintiff:

The plaintiffs had produced the following witnesses namely-

1. Shri Malsawmdawngliana S/o Vanlallawma, Sakawrtuichhun, Aizawl (Hereinafter referred to as PW-1)
2. Smt. Lalthannguri D/o Kalkhama (L), Sakawrtuichhun, Aizawl (Hereinafter referred to as PW-2)

The **PW-1** in his examination in chief reiterated and affirmed the contents of the plaint being the plaintiff no. 1 himself. He further continued that-

Ext. P-1 is a copy of House Pass No. 586 of 1995
Ext. P-2 is a copy of House Pass No. 282 of 1995
Ext. P-3 is a copy of House Pass No. 585 of 1995
Ext. P-4 is a copy of House Pass No. 583 of 1995
Ext. P-5 is a copy of House Pass No. 284 of 1995
Ext. P-6 is a copy of House Pass No. 587 of 1995
Ext. P-7 is a copy of House Pass No. 589 of 1995

Ext. P-8 is a copy of LSC No. Azl. 332 of 1997
Ext. P-9 is a copy of LSC No. Azl. 333 of 1997
Ext. P-10 is a copy of LSC No. Azl. 334 of 1997
Ext. P-11 is a copy of LSC No. Azl. 335 of 1997
Ext. P-12 is a copy of LSC No. Azl. 336 of 1997
Ext. P-13 is a copy of LSC No. Azl. 337 of 1997
Ext. P-14 is a copy of LSC No. Azl. 338 of 1997
Ext. P-15 (a) – (g) are a copy of Tax Clearance Certificates of LSCs upto 2001
Ext. P-16 (a) – (d) are a copy of Tax pay receipt of LSCs
Ext. P- 17 (a)-(g) are a copy of House Tax Payee Certificate of LSCs
Ext. P-18 is a copy of Legal Notice u/s 80 of CPC
Ext. P-19 is a copy of Notification Dt. 28th June, 1993 for land acquisition
Ext. P-20 is a copy of Notification Dt. 13th Jan., 1995 for withdrawal of land acquisition process
Ext. P-21 is Notification Declaration Dt. 17th Nov., 1993
Ext. P-22 is a copy of Corrigendum Dt. 19th Jan., 1994

During cross examination, he stated that so far as his knowledge concerned, the village council pass issued on the suit land was made in the name of his cousin Mr. Lalberema during 1971. He was also participated in MNF insurgency and settled down at Sakawrtuichhun during 1988 and the suit land was given to him by Mr. Lalberema. He admitted that during 1997, he converted the suit land into LSCs. He admitted as a fact that the area covered by DLL No. 109 of 2005 covered his suit land. He also admitted that he received crop damage compensation from the Government. He denied that he had received compensation in respect of land acquisition during 2005.

The **PW-2** stated in her examination in chief that he held a post of VCP, Sakawrtuichhun during 1996 to 1997 and he knew the plaintiffs having a plot of land at Sakawrtuichhun. He also knew the House Passes of the plaintiffs and their later LSCs which were duly issued by the Revenue authorities.

During cross examination, she deposed that the government acquired the suit land during 1996 but she did not know when the plaintiffs acquired the suit land. She admitted that being the President of the concerned Village Council, she signed no objection certificate for issuance of LSCs of the plaintiffs.

For the defendants:

The defendants had produced only one witness namely Mr. R.L. Rindika, Superintendent, Land Revenue and Settlement Directorate, Govt. of Mizoram (Hereinafter referred to as **DW**). In his examination in chief, he mainly affirmed the contents of their written statements. He further deposed that- Ext. D-1 is written statement, Ext. D-2 is a copy of Notification Dt. 28-06-1993, Ext. D-3 is a copy of Notification Dt. 13-01-1995.

In his cross examination by learned counsel for the plaintiffs, he admitted as a fact that Ext. P-8, 9, 10, 11, 12, 13 and 14 were issued by the competent authority of Revenue Department. He also admitted as a fact that Ext. P- 15 (a) – (g), Ext. P- 16 (a) to (d) and Ext. P- 17 (a) to (g) were issued by the competent authority. He also admitted that they had received legal notice marked as Ext. P- 18. He admitted as a fact that Ext. P- 19 to 22 were also published by the Government. He also admitted that when notifications were issued, he was not deployed in the Revenue Department. He also admitted that after Ext. P- 20/D-3 was issued, there was no fresh notification under the relevant sections of the Land Acquisition Act. He also admitted that after issuance of LSCs to the plaintiffs, no compensation was paid to them.

During cross examination by learned counsel for the defendant no. 6, he deposed that before allotment of land to the Security forces, notification was issued to all concerned land owners. The plaintiffs name was also included in the said notification and he received compensation as per assessment.

TERMS OF ARGUMENTS

Mr. W. Sam Joseph, learned counsel for the plaintiffs after appreciating the minutes of oral evidences adduced in the proceedings submitted that the act of the defendants without assessment of the land value of the plaintiffs after obtaining LSCs by the plaintiffs is arbitrary and is inimical to laws.

On the other hand, Miss Bobita Lalhmingmawii, learned counsel for the state defendants argued that the plaintiff no. 1 also admitted that he had already received compensation amount as assessed by the competent authority,

FINDINGS

Issue No. 1

Whether the suit is maintainable in its present form and style

A requisite court fees at Rs. 5000/- is paid by the plaintiff in his plaint. Meanwhile, simple verification without supported by affidavit is made by the plaintiffs. In this lacunae, the provisions of sub- rule (4) of rule 15 under Order VI of the CPC was made effective after institution of the instant suit viz. with effect from 1-7-2002 by Act No. 46 of 1999. Moreover, prior legal notice is also served to the state defendants by the plaintiff. This issue is therefore decided in favour of the plaintiff whilst the suit is filed during 2001.

Issue No. 2

Whether this court has jurisdiction to try the instant case

During pendency of the case, justice delivery system in the state is drastically changed by enacting the Mizoram Civil Courts Act, 2005. The

instant suit being a title suit having valuation more than two lakhs rupees, this court is competent to entertain and dispose of the suit on merit.

Issue No. 3

Whether the suit is barred by law of limitation, estoppels and acquiescence

No doubt, the law of limitation like in the instant case where the state are put as parties is applicable in the state of Mizoram as held by the Hon'ble Gauhati High Court in **Lalchawimawia & Ors. Vs. State of Mizoram** decided on 5-5-1999 in connection with WP (C) No. 4 of 1996 reported in 1999 (3) GLR 100 and the later case in **L. Biakchhunga vs State Of Mizoram And Ors.** decided on 1/8/2005 and reported in (2006) 2 GLR 610. The observations in **Ram Prakash Gupta Vs. Rajiv Kumar Gupta & Ors** in connection with Appeal (civil) 4626 of 2007 decided on 03/10/2007 reported in 2007 (10) SCR 520, 2007 (10) SCC 59, 2007 (11) SCALE 549, 2007 (11) JT 472 is relevant in this context, the Supreme Court has held that-

“17) For our purpose, clause (d) is relevant. It makes it clear that if the plaint does not contain necessary averments relating to limitation, the same is liable to be rejected. For the said purpose, it is the duty of the person who files such an application to satisfy the Court that the plaint does not disclose how the same is in time. In order to answer the said question, it is incumbent on the part of the Court to verify the entire plaint.”

Under paragraph 9 of the plaint, the date of cause of action was clearly spelt out saying that different dates for cause of action had arisen like cancellation of withdrawal of land acquisition proceedings on 31st Jan., 1995 and also later obtained LSCs by the plaintiffs in 1997. Thus, there is no question of law of limitation as filed the suit within a period of time. More so, the plaintiffs took an action for serving legal notice to the state defendants as revealed by Ext. P- 18, no invocation of doctrine of estoppels against the plaintiffs and acquiescence can be arisen. Thus, this issue is also decided in favour of the plaintiffs.

Issue No. 4

Whether the disputed land had already been acquired by the Government in the year of 1996 for establishment of SSB Group Centre

The defendants also produced and submitted a copy of notification u/s 4 of the Land Acquisition Act, 1894 Dt. 28th June, 1993 marked as Ext. D-2 and withdrawal of the said notification under sub-section (1) of section 48 of the Land Acquisition Act, 1894. Although in their oral evidence and written statement, Award No. 1 of 1995 was based by the defendants, such copy is not exhibit and produced in the course of proceedings. As undisputedly, withdrawal notification marked as Ext. D-3 will be sustainable in law as held in **Municipal Committee, Bhatinda v. Land Acquisition Collector and others** (1993) 3 SCC 24 (para 8), **U.P. State Sugar Corporation Ltd. v. State of U.P. and others** (1995) Supp 3 SCC 538 (para 3), **State of Maharashtra and another v. Umashankar Rajabhau**

and others (1996) 1 SCC 299 (para 3) and **State of T.N. and others v. L. Krishnan and others** (1996) 7 SCC 450 (para 7). In **Larsen & Toubro Ltd. v. State of Gujarat and others** (1998) 4 SCC 387. Meanwhile, the later notification for resumption of the land acquisition process or the copy of award is out of record in the case at hand. The recent decision of Hon'ble Supreme Court in **Lalrivenga & Anr. vs State Of Mizoram & Ors.** decided on 13 September, 2011 in connection with Civil Appeal No. 7825 of 2011 (Arising out of SLP(C) No.18850 of 2006) is relevant, wherein, it was held thus-

“Whenever the acquisition of land is challenged on the ground that the notification has not been published as per the mandate of the statute, the authority defending the acquisition is under an obligation to produce evidence in the form of documents to prove that the requirement of publication has been complied. In the absence of such evidence, the Court cannot decide challenge to the acquisition proceedings by assuming that the particular notification had been published as per the requirement of law. In the present case, no material was produced before the High Court and none has been produced before this Court to show that notification dated 14.5.1985 issued under Section 4(1) of the Act had been published in the Official Gazette. Therefore, the High Court was not justified in declining relief to the appellants by assuming that the said notification must have been published in the Official Gazette because other notifications including the one issued under Section 6 was published in the Official Gazette.”

Failure of the defendants to inform the plaintiffs about resumption of land acquisition proceedings is also bad in law as it is against the ratio laid down in **S. Palanivelayutham & Ors. Vs. District Collector, Tirunvelveli, Tamil Nadu & Ors.** in connection with Civil Appeal No. 5743 of 2009 decided on August 7, 2009 reported in [2009] 12 SCR 1215, it was held that-

“5. The first question is whether the vested remaindermen of acquired lands were entitled to notice of acquisition, even if their names were not entered in the revenue records. The Collector (or others exercising the functions of Collector) is required to issue, in addition to the public notice to all persons interested, individual notices to persons known or believed to be interested in the acquired land. There is a significant difference between ‘persons known or believed to be interested’ and ‘persons interested’. A ‘person interested’ no doubt would include all persons claiming an interest in the compensation on account of the acquisition of land, including the vested remaindermen.”

Therefore, as held in **Lalrivenga & Anr. vs State Of Mizoram & Ors.** (supra.), this issue is indispensable to decide in favour of the plaintiffs due failure to produce the Official Gazette copy of notification for land acquisition of the suit land.

Issue No. 5

Whether the LSCs held by the plaintiffs in respect of the disputed land are valid in all respect

As fairly admitted by the lone DWs, the LSCs of the plaintiffs are validly issued by the competent authority namely-

1. M.S. Dawngliana under LSC No. Azl. 332 of 1997 with area of 1076. 25 Sq. m.
2. Lalvenhimi under LSC No. Azl. 333 of 1997 with area of 857. 25 Sq. m.
3. Lalenkawli under LSC No. Azl. 334 of 1997 with area of 1007. 00 Sq. m.
4. Vanlalremi under LSC No. Azl. 335 of 1997 with area of 482. 99 Sq. m.
5. Lalengmawii under LSC No. Azl. 336 of 1997 with area of 768. 00 Sq. m.
6. Sawmsanga under LSC No. Azl. 338 of 1997 with area of 887. 50 Sq. m.
7. Ramthanmawii under LSC No. Azl. 337 of 1997 with area of 836. 50 Sq. m.

This issue is also decided in favour of the plaintiffs as they fairly obtained the above stated LSCs after obtaining House Passes.

Issue No. 6

Whether the plaintiffs are entitled to the relief claimed. If so, to what extend.

Although the defendants are silent both in documentary and oral evidence, presumption can be drawn as per deposition of PW-1 during his cross examination, that the defendant no. 6 had obtained DLL No. 109 of 2005 which itself is junior to all LSCs of the plaintiffs which were duly exhibited during the course of proceeding. It cannot therefore eschewed on its primacy over to the said DLL No. 109 of 2005.

As fairly admitted by the plaintiffs even in their plaint, they had received a sum of Rs. 65,164.00 (Rupees sixty five thousand, one hundred and sixty four) but very clear it was only for the damage suffered by him in consequence of the notice and proceedings drawn for acquisition of the said land permitted under the provisions of S. 48 (2) of the Land Acquisition Act, 1894 caused by withdrawal notification of the land acquisition process by virtue of Ext. P-20 under Notification No. K-12011/20/93- REV/ Dated 13th January, 1995. Again, the defendants fails to produce and exhibit Notification No. K-12011/20/93- REV/ Dated 31st January, 1995 wherein it was alleged that withdrawal notification was seceded. No chance for examination of its entirety is existed for the court.

In a nutshell, in the instant proceedings, no findings can be had for realization of the notification for land acquisition in favour of defendant no. 6 as stipulated under the provisions of the Land Acquisition Act, 1894 and

making correct and accurate award for compensation for the same. Thus, the decisions/observations of Hon'ble Supreme Court In **State Of Haryana vs Mukesh Kumar & Ors.** decided on 30 September, 2011 in connection with Appeal (Civil) No. 28034/2011 (Arising out of CC 9038/2010) turned in favour of the plaintiffs, wherein, their Lordship of Hon'ble Supreme Court has held that-

“36. The right to property is now considered to be not only constitutional or statutory right but also a human right. Human rights have already been considered in realm of individual rights such as right to health, right to livelihood, right to shelter and employment etc. But now human rights are gaining a multi faceted dimension. Right to property is also considered very much a part of the new dimension. Therefore, even claim of adverse possession has to be read in that context.”

Thus, the plaintiffs will be entitled to receive rental charges as per the Mizoram Urban Areas Rent Control Act, 1974 (As amended from time to time) to be assessed by the District Collector, Aizawl District and to be paid by the defendant no. 6 with effect from 28-11-1995 when the plaintiffs obtained regular House Passes till vacation of the suit land by the defendants for the plaintiffs or till acquire the suit land in terms of the Land Acquisition Act, 1894. The defendant no. 6 is further directed to pay interest rate @ 9% per annum with effect from 28-11-1995 when periodical/monthly due is calculated to the plaintiffs.

ORDER

UPON hearing of parties and on the basis of the afore findings in various issues, the defendant no. 6 is directed to pay rental charges as per the Mizoram Urban Areas Rent Control Act, 1974 (As amended from time to time) to be assessed by the District Collector, Aizawl District and to be paid by the defendant no. 6 with effect from 28-11-1995 to the plaintiffs when the plaintiffs obtained regular House Passes till vacation of the suit land by the defendants for the plaintiffs or till acquire the suit land in terms of the Land Acquisition Act, 1894 in respect of the landed properties of the plaintiffs namely-

1. M.S. Dawngliana under LSC No. Azl. 332 of 1997 with area of 1076. 25 Sq. m.
2. Lalvenhimi under LSC No. Azl. 333 of 1997 with area of 857. 25 Sq. m.
3. Lalenkawli under LSC No. Azl. 334 of 1997 with area of 1007. 00 Sq. m.
4. Vanlalremi under LSC No. Azl. 335 of 1997 with area of 482. 99 Sq. m.
5. Lalengmawii under LSC No. Azl. 336 of 1997 with area of 768. 00 Sq. m.
6. Sawmsanga under LSC No. Azl. 338 of 1997 with area of 887. 50 Sq. m.
7. Ramthanmawii under LSC No. Azl. 337 of 1997 with area of 836. 50 Sq. m.

The defendant no. 6 is further liable to pay interest rate @ 9% per annum with effect from 28-11-1995 to the plaintiffs when periodical/monthly due is being calculated.

The District Collector, Aizawl District is therefore directed to make assessment of the rate and amount of rental charges for the same and forward the same to the defendant no. 6 within a period of three months from the date of this order.

No order as to costs of the suit.

With this order, the case shall stand disposed of.

Give this copy to all concerned.

Given under my hand and seal of this court on this 20th June, 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. TS/1/2001, Sr. CJ (A)/

Dated Aizawl, the 20th June, 2012

Copy to:

1. Mr. Malsawmdawngliana S/o Vanlallawma, Sakawrtuichhun, Aizawl & Ors. through Mr. W. Sam Joseph, Adv.
2. The State of Mizoram Through the Chief Secretary to the Govt. of Mizoram, Aizawl through Mr. R. Lalremruata, AGA
3. The Secretary to the Govt. of Mizoram, Land Revenue and Settlement Department, Govt. of Mizoram, Aizawl through Mr. R. Lalremruata, AGA
4. The Deputy Commissioner/District Collector, Aizawl District, Aizawl through Mr. R. Lalremruata, AGA
5. The Director, Land Revenue and Settlement Department, Govt. of Mizoram, Aizawl through Mr. R. Lalremruata, AGA
6. The Officer in Command (OPs), BSF, SHQ, Durtlang- Aizawl through Mr. Abul Hussain, Adv.
7. P.A to Hon'ble District Judge, Aizawl Judicial District- Aizawl
8. Case record

PESKAR