

IN THE COURT OF ADDL. DISTRICT & SESSION JUDGE, AIZAWL

Interlocutory Case No. 170/2015

In connection with Execution Case No. 76/13 A/o LA No. 13/2012

H. Lalropuia & 156 Ors. : Decree Holders

Versus

District Collector, Mamit & Ors. : Judgment Debtors

Date of Order : 28.4.2015

BEFORE

Sh. Vanlalenmawia, AD& SJ

ORDER

This is an application for withdrawing money for disbursement to the plaintiffs in Execution Case No. 76/2013 arising out of LA Case No. 13/2012.

In the application, it is stated that as part satisfaction of the Judgment & Award dt.14.6.2013 passed in LA Case No. 13/2012, the defendant District Collector, Mamit submitted Cheque No. 284071 amounting to Rs. 1,34,74,767/- for payment to the plaintiffs in LA Case No. 13/2012. It is also stated that the Cheque was issued in the name of Peshkar to this Court and the said Cheque is now transferred to the account jointly maintained by the Peshkar and the Id. Counsel for the plaintiffs in the Mizoram Rural Bank, Vaivakawn Branch. It is the prayer of the Id. Counsel Shri Lalramhluna appearing for the plaintiffs that the Peshkar of this Court be allowed to withdraw the money deposited to the Mizoram Rural Bank and the Manager, Mizoram Rural Bank, Vaivakawn Branch be directed to release the said money immediately.

The Id. Counsel Shri Lalramhluna appearing for the plaintiffs, the Id. Addl. GA Smt. Rose Mary for the defendant District Collector and the Id. Addl. GA Shri Joseph Lalfakawma for the defendants Land Revenue & Settlement Department, Govt. of Mizoram and Public Works Department, Govt. of Mizoram are present.

I have perused the records carefully. An application u/s 18 of LA Act for reference to Court was moved to the District Collector, Mamit District. Accordingly, the application was forwarded to the District & Sessions Judge for proper adjudication of the case. The case was tried and disposed by Mrs. Helen Dawngliani, Addl. District & Sessions Judge, Aizawl Judicial District by awarding a sum of Rs. 96,24,836/- (Rupees ninety six lakhs twenty four thousand eight hundred thirty six) only as solatium payable to the plaintiffs u/s 23(2) of LA Act and Rs. 2,11,74,641/- (Rupees two crores eleven lakhs seventy four thousand six hundred forty one) only which was calculated for 3 years with further interest @ 6% per annum if the acquiring department could not pay the compensation amount payable to the plaintiffs within a period of 3 months from the date of Order i.e. 14.6.2013.

In view of the submission of the Id. Counsel Shri Lalramhluna, I do not find any ground to refuse withdrawal of the deposited money by way of cash. Hence, the Peshkar of this Court and the Id. Counsel in whose account the money was deposited, shall withdraw the money. The Manager, Mizoram Rural Bank, Vaivakawn Branch is directed to release the said money to the account holders immediately.

The petition is disposed off.

Sd/- VANLALENMAWIA

Addl. Dist & Sessions Judge,
Aizawl Judicial District: Aizawl.

Memo No. /AD & SJ/2015 : Dated Aizawl, the 28th April, 2015

Copy to: -

1. H. Lalropuia & Ors. through Counsel Mr. Lalramhluna, Advocate.
 2. District Judge, Aizawl Judicial District.
 3. District Collector, Mamit District through Mrs. Rose Mary, Addl. GA.
 4. The Secretary to the Govt. of Mizoram,
Land Revenue & Settlement Department
 5. The Secretary to the Govt. of Mizoram,
Public Works Department
 6. The Manager, Mizoram Rural Bank, Vaivakawn Branch.
 7. Registration Section.
 8. Guard File.
 9. Case Record.
 10. Calendar Judgment.
- through Counsel
Mr. Joseph Lalfakawma,
Addl. GA

P E S H K A R