

IN THE COURT OF ADDITIONAL DISTRICT JUDGE-II
AIZAWL JUDICIAL DISTRICT, AIZAWL, MIZORAM.

Present : Shri Vanlalenmawia, MJS
Additional District Judge,
Aizawl Judicial District, Aizawl.

Review Petition No. 25 of 2014
in L.A. Case No. 30 of 2013

1. Smt. Laichhingi
D/o Bunlavunga (L),
R/o Kawnpui, Kolasib District, Mizoram.
2. Shri R.K.Bawnga
S/o Sapliana,
R/o Kawnpui, Kolasib District, Mizoram.
3. Shri Lalramchhana
S/o Zawnghuala (L),
R/o Kawnpui, Kolasib District, Mizoram.
4. Shri Moses Lalchawikima
S/o R.Lalzawmliana,
R/o Kawnpui, Kolasib District, Mizoram.
5. Smt. Golden Jubilee
D/o Chalmawia,
R/o Kolasib, Kolasib District, Mizoram.
6. Shri R.L.Hmuaka
S/o Hbranchhunga (L),
R/o Kawnpui, Kolasib District, Mizoram.
7. Smt. Thanpari
D/o C.Sangzuala,
R/o Kawnpui, Kolasib District, Mizoram.
8. Shri R.Lalzawmliana
S/o Kawlkhuma,
R/o Kawnpui, Kolasib District, Mizoram.
9. Shri P.C.Lalhruaia
S/o P.C.Rosanga,
R/o Kawnpui, Kolasib District, Mizoram.
10. Shri B.Zakhuma
S/o Hranghleia,
R/o Kawnpui, Kolasib District, Mizoram.

11. Shri Hunherliana
S/o Lalhlira,
R/o Kawnpui, Kolasib District, Mizoram.
12. Shri V.L. Peka
S/o Lalthlamuana,
R/o. Kawnpui
13. Smt. Ramhlunsiami
D/o V.L.Siamthanga,
R/o Kawnpui, Kolasib District, Mizoram.
14. Shri Lalrawngbawla
S/o V.L.Siama
R/o Kawnpui, Kolasib District, Mizoram.
15. Smt. Sawithuami
D/o V.L.Siamthanga
R/o Kawnpui
16. Smt. Rozikpuii
D/o R.Zohnuna,
R/o Kawnpui, Kolasib District, Mizoram.
17. Shri Ramhluna
S/o Thangliana,
R/o Kawnpui, Kolasib District, Mizoram.
18. Shri Lalhlunthanga
S/o Peter Zalawma
R/o Kawnpui, Kolasib District, Mizoram.
19. Smt. Romanthangi
S/o Peter Zalawma,
R/o Kawnpui, Kolasib District, Mizoram.
20. Shri Rinchhunga
S/o Zama,
R/o Kawnpui, Kolasib District, Mizoram.
21. Smt. Rengluti
D/o R.Lalhmuaka,
R/o Kawnpui, Kolasib District, Mizoram.
22. Smt. Ruthi Laltlanthangi
D/o Laldingluaia,
R/o Kawnpui, Kolasib District, Mizoram.

23. Shri Lalhmunmawia
S/o Zatawna,
R/o Kawnpui, Kolasib District, Mizoram.
24. Shri Lalramtiana
S/o Rengluti,
R/o Kawnpui, Kolasib District, Mizoram.
25. Shri Beiseia
S/o Rothanga,
R/o Kawnpui, Kolasib District, Mizoram.
26. Shri Hranglawta
S/o Chhunhranga,
R/o Kawnpui, Kolasib District, Mizoram.
27. Shri R.Lalnuntluanga
S/o R.Zasanga,
R/o Kawnpui, Kolasib District, Mizoram.
28. Shri Vanlalnghaka
S/o R.Lalhmuaka,
R/o Kawnpui, Kolasib District, Mizoram.
29. Shri Laldingluaia
S/o R.Lalhmuaka,
R/o Kawnpui, Kolasib District, Mizoram.
30. Smt. Lalrohluii
D/o Dokunga,
R/o Kawnpui, Kolasib District, Mizoram.
31. Shri Lalhnehkima
S/o Lalrinpuia,
R/o Hortoki, Kolasib District, Mizoram.
32. Smt. Lalsiami
D/o S.Rinthanga,
R/o Kawnpui, Kolasib District, Mizoram.
33. Smt. Zakhumi
D/o Darhmingliana,
R/o Kawnpui, Kolasib District, Mizoram.
34. Shri Remlalnghaka

- S/o T.Chhunga,
R/o Kawnpui, Kolasib District, Mizoram.
35. Shri Laldingliana
S/o R.Malsawmthanga,
R/o Kawnpui, Kolasib District, Mizoram.
36. Shri Lalhruaitluanga
S/o C.Ramthanga,
R/o Kawnpui, Kolasib District, Mizoram.
37. Shri Lalthazuala
S/o Sena
R/o Kawnpui, Kolasib District, Mizoram.
38. Smt. Laldinthari
D/o Lalthazuala,
R/o Kawnpui, Kolasib District, Mizoram.
39. Shri Rintluanga
S/o Suma,
R/o Kawnpui, Kolasib District, Mizoram.
40. Shri Laltlanthanga
S/o V.L.Thawma
R/o Kawnpui, Kolasib District, Mizoram.
41. Shri Vanlalhriata
S/o Thanliana,
R/o Kawnpui, Kolasib District, Mizoram.
42. Smt. Lalchhuangzuali
D/o V.Chalngbaka
R/o Kawnpui, Kolasib District, Mizoram.
43. Shri Hunlawmawma
S/o Lalchhana,
R/o Kawnpui, Kolasib District, Mizoram.
44. Shri Lalchungnunga
S/o P.Roliana,
R/o Kawnpui, Kolasib District, Mizoram.
45. Shri P.Roliana
S/o Aithuama

R/o Kawnpui, Kolasib District, Mizoram.

46. Smt. Lalmuanpuii
D/o P.Roliana
R/o Kawnpui, Kolasib District, Mizoram.
47. Smt. Vanlalpeki
D/o Selthuama,
R/o Kawnpui, Kolasib District, Mizoram.
48. Smt. Remsangpuii
D/o R.Malsawmthanga
R/o Kawnpui, Kolasib District, Mizoram.
49. Shri Khawpuimawia
S/o K.Lalrammawia,
R/o Kawnpui, Kolasib District, Mizoram.
50. Smt. Darthanmawii
D/o Varnghinglova,
R/o Kawnpui, Kolasib District, Mizoram.
51. Shri Lalnunfima
S/o Hunherliana,
R/o Kawnpui, Kolasib District, Mizoram.
52. Shri David MS Tluanga
S/o C.Lalthanpuia,
R/o Kawnpui, Kolasib District, Mizoram.
53. Lalremmawii Tlau
D/o Robert Zirsanga,
R/o Aizawl - Review Petitioners

-versus-

1. The District Collector, Kolasib District, Mizoram.
2. The Secretary, Land Revenue & Settlement Deptt.,
Government of Mizoram, Aizawl.
3. The Deputy Chief Engineer CON/II/SCL, Silchar,
Assam, Northern Frontier Railway, Silchar.
.....Opposite Parties.

APPEARANCE

For the Petitioner	:	Shri S. Pradhan, Advocate.
For the O.P. No. 1 & 2	:	Smt. Rose Mary.
For the O.P. No. 3	:	Shri Ali Hussain, Advocate.
Hearing	:	5.4.2016
Order delivered on	:	6.5.2016

O R D E R

1. The application has been filed under Order 47 of CPC read with Section 151 of CPC for review of the Judgment & Award dated 5.12.2013 passed by Smt. Marli Vankung, the then learned Addl. District Judge-II in L.A. Case No. 30 of 2013.

2. No written statement is filed by the OPs No. 1 & 2, but it is filed on behalf of the O.P. No.3/N.F. Railway.

3. I heard the learned Counsel Shri S.Pradhan appearing for the review petitioners. I also heard the learned Counsel Smt. Rose Mary for OPs No. 1 & 2 and the learned Standing Counsel Shri Ali Hussain for the O.P. No.3/N.F. Railway.

4. The petitioners' case as has been shown in the review application, in short, is that they claimed to be the land owners holding Periodic Patta Settlement Certificates and Village Council Passes, acquired for construction of the N.F. Railway line from Bairabi to Sairang for which the Award No. 1 of 2012 (Part-B-Kawnpui) was made. According to them, the Opposite No. 1/District Collector, Kolasib, did not assess market value of their lands covered by Periodic Patta Settlement Certificate and Village Counsel Passes to which they were entitled.

5. Aggrieved by the Award, the applicants made application u/s 18 of the Land Acquisition Act, 1894 to the District Collector, Kolasib for referring the matter for consideration by the Principal Civil Court. The matter having been referred, the

same was registered as L.A. Case No. 30 of 2013. The case was transferred to this Court for disposal.

6. The case was contested by the opposite parties. Thereafter, the Judgment & Award dated 5.12.2013 was passed by awarding additional amount in the form of solatium @ 30% of the award of compensation u/s 23(1A) of L.A. Act, 1894 and in the form of interest @ 12% u/s 23(2) of the Act to the review petitioners. It was also ordered that the additional amount so awarded should be satisfied by the Opposite parties within a period of 90 days from the date of the award. The amount shall bear interest at the rate of 6% per annum in case of failure to deposit the awarded amount within the stipulated time.

7. I heard the learned Counsel Shri S.Pradhan appearing for the review petitioners. The learned Standing Counsel Smt. Rose Mary appearing for the O.Ps. No. 1 & 2 as well as the learned N.F. Railway Standing Counsel Shri Ali Hussain was also heard.

8. I perused the records of L.A. Case No. 30 of 2013 including the reference application made u/s 18 of L.A. Act which is placed before me.


9. In their reference application of the applicants, they claimed payment of solatium at the rate of 30% of the award (Section 23(1A) of L.A. Act, 1894) with interest at the rate of 12% (Section 23(2) of the Act) payable to them. They also stated in the reference application particularly at grounds No. 2, **'For that since the petitioners are mainly depend on their agricultural produces, the lands already acquired by the Government is their future dependency and as such acquiring the said lands without paying adequate compensation is amounting to deprivation of their right to life and personal liberty enshrined under Article 21 of the Constitution of India'.**

10. According to the Id. Counsel, the opposite parties did not submit written objection, though they were given sufficient chances. While passing the judgment & award by this Court, this Court failed to consider the second ground stated in the reference application. Hence, they come for review against the judgment & award dated 6.12.2013.

11. According to the Id. Standing Counsel of the Govt. of Mizoram, Smt. Rose Mary and the Id. Standing Counsel of NF Railway Shri Ali Hussain, the review petition is liable to be dismissed inasmuch as there is no mistake or error apparent in the judgment and award, and there is also no sufficient reason to review the judgment and award passed by this Court. The Id. Counsel appearing for the opposite parties submitted that the petitioners neither raised objection nor made any claim regarding land value before the opposite party No. 1 (District Collector, Kolasib).

12. While considering the review petition, the Hon'ble Apex Court in the case of Northern India Caterers (India) Ltd. V. Lt. Governor of Delhi, AIR 1980 SC 6741 (1980) 2 SCC 167 has observed as under :

'13. It is well settled that a party is not entitled to seek a review of a judgment delivered by this Court merely for the purpose of a rehearing and a fresh decision of the case. The normal principle is that a judgment pronounced by the Court is final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do so. Sajjan Singh v. State of Rajasthan [MANU/SC/0052/1964](#) : [1965]1SCR933 ,948. For instance, if the attention of the Court is not drawn to a material statutory provision during the original hearing, the Court will review its judgment. G.L. Gupta v. D.N. Mehta [MANU/SC/0487/1971](#) : [1971]3SCR748 , 760. The Court may also reopen its judgment if a manifest wrong has been done and it is necessary to pass an order to do full and effective justice. O.N. Mahindroo v. Distt. Judge Delhi and Anr. [MANU/SC/0059/1970](#) : [1971]2SCR11 , 27. Power to review its judgments has been conferred on the Supreme Court by Article [137](#) of the Constitution, and that power is subject to the provisions of any law made

by Parliament or the rules made under Article [145](#). In a civil proceeding, an application for review is entertained only on a ground mentioned in XLVII Rule 1 of the CPC, and in a criminal proceeding on the ground of an error apparent on the face of the record. (Order XL Rule 1, Supreme Court Rules, 1966). But whatever the nature of the proceeding, it is beyond dispute that a review proceeding cannot be equated with the original hearing of the case, and the finality of the judgment delivered by the Court will not be reconsidered except "where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility." Chandra Kanta v. [Sheikh Habib MANU/SC/0064/1975](#)  : [1975]3SCR933.'

13. In the instant case, final judgment on the reference application was delivered by this Court. As there is no glaring omission or patent mistake or grave error in the judgment, I do not find any necessity to review the Judgment & Award in L.A. Case No. 30 of 2013 passed by my predecessor.

14. It is pertinent to mention here that if the petitioners had not accepted the Award No. 1 of 2012, they should make application to the Collector for referring the matter for determination of the Court within 6 weeks from the date of the Collector's Award, if they were present at the time of pronouncement of the Award or within 6 months from the date of Award, if they were not present at the time of pronouncement of the Award. It is also pertinent to mention here that the petitioners did not pray for assessment of market value of their lands in their reference petition. Hence, this Court was right in awarding the solatium and interest of the Award only due to non-mention of market value of their lands in their reference petition.

15. Upon hearing the rival parties and perusing the records requisitioned, I do not find that there is a sufficient ground for allowing the application for review of the judgment and award dated 5.12.2013 in L.A. Case No. 30 of 2013. Accordingly, the present review petition is dismissed without cost.

16. The review petition is disposed off.

Sd/- VANLALENMAWIA
Addl. District Judge,
Aizawl Judicial District,
Aizawl, Mizoram.

Memo No. _____/ADJ(A)/2016 : Dated Aizawl, the 6th May, 2016
Copy to: -

1. Laichhingi & Ors. through Counsel Shri S. Pradhan, Advocate.
2. The District Collector, Kolasib District, Mizoram.
3. The Secretary, Land Revenue & Settlement Deptt.,
Government of Mizoram, Aizawl.
4. The Deputy Chief Engineer CON/II/SCL, Silchar, Assam, Northern Frontier
Railway, Silchar through Counsel Shri Ali Hussain, Standing Counsel.
5. The District Judge, Aizawl Judicial District, Aizawl.
6. Registration Section.
7. Guard File.
8. Case Record.
9. Calendar Judgment.

P E S H K A R