

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

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

Execution Case No. 17 of 2015
Arising out of L.A.Case No. 42 of 2013

1. R. Vanlalfaka R/o Bairabi North, Mizoram
Relative of deceased R. Lalawmpuii
2. Lalenkawmi R/o Bairabi North, Mizoram
Relative of deceased Lalzuimawia,
Dengthuami & Rangkhuma
3. Lalzuiliana R/o Bairabi North, Mizoram
Relative of deceased C. Tlangkhuma
4. Lalngaihawma R/o Bairabi North, Mizoram
Relative of deceased Lalremtluangi
5. Zaichungnunga R/o Bairabi North, Mizoram
Relative of deceased C. Vanlalpanthanga
6. Chawiliana R/o Bairabi North, Mizoram
Relative of deceased K. Zahlira
7. Bawbawi R/o Bairabi North, Mizoram
Relative of deceased Zobuani
8. Lalhluni R/o Bairabi North, Mizoram
Relative of deceased Zosangkimi
9. R. Lianngura R/o Bairabi North, Mizoram
Relative of deceased R. Lalbiaktluanga
10. Edenthari R/o Bairabi North, Mizoram
Relative of deceased Rokamlova & Vanllahruaii
11. Duhawma R/o Bairabi North, Mizoram
Relative of deceased C. Rothuama & C. Lalmawii
12. Lalparmawia R/o Bairabi North, Mizoram
Relative of deceased C. Chawnghnuna

13. Lalrohnuni R/o Bairabi North, Mizoram
Relative of deceased Zodinpuui, Vanlalbani,
Chanchinmawii & Rothangvungi
14. Lalduhawmi R/o Bairabi North, Mizoram
Relative of deceased Lalngaihawmi
15. Kapmawii R/o Bairabi North, Mizoram
Relative of deceased Rosangkima,
Khuangliani, Chiluaia & Lalramthanga
16. Zakhumi
Relative of deceased Vanlalnghaka
R/o Bairabi North, Mizoram
17. Vanlalbuka R/o Bairabi North, Mizoram
Relative of deceased Lalbiaknungi
18. Lalthlamuani R/o Bairabi North, Mizoram
Relative of deceased Huapzauvi & Singha
19. H.T. Tlangsawithangi R/o Bairabi North, Mizoram
Relative of deceased Lalhlupuii
20. V.L. Chhungi R/o Bairabi North, Mizoram
Relative of deceased Lalrinsanga, Lalbiaknungi,
Lalramnghaki & Lalhlimpaia
21. S. Tharmawii R/o Bairabi North, Mizoram
Relative of deceased Sapliana & S. Tharmawii
22. Thangluaia R/o Bairabi North, Mizoram
Relative of deceased Kapmawii
23. Ropianga R/o Bairabi North, Mizoram
Relative of deceased Rosiami
24. Ramthanga R/o Bairabi North, Mizoram
Relative of deceased Lalvuana
25. Lalbiakmawia R/o Bairabi North, Mizoram
Relative of deceased Ngursiamliani
26. Ropuia R/o Bairabi North, Mizoram
Relative of deceased Lallawma

27. Lalnghilhlovi R/o Bairabi North, Mizoram
Relative of deceased Lalnuntluangi
28. Thangkimi R/o Bairabi North, Mizoram
Relative of deceased Lalkhawthanga
29. Julieti R/o Bairabi North, Mizoram
Relative of deceased Teresa Lalthanmawii
30. P.C. Lianhmingthanga R/o Bairabi North, Mizoram
Relative of deceased Lalrinchani
31. R. Vanlalnghaka R/o Bairabi North, Mizoram
Relative of deceased R.L.H. Sanga
32. Vanlalnema R/o Bairabi North, Mizoram
Relative of deceased Vanlalfani & Kawlzingi
33. T.L. Zuala R/o Bairabi North, Mizoram
Relative of deceased Lalzarliana
34. Lalmachhuani R/o Bairabi North, Mizoram
Relative of deceased Lalengzami & Lalmuanawma
35. Obeda Laltlansanga R/o Bairabi North, Mizoram
Relative of deceased Lalremsanga
36. Rochhungi R/o Bairabi North, Mizoram
Relative of deceased Hmingthanmawii
37. Biakliani R/o Bairabi North, Mizoram
Relative of deceased Lalthafamkima
38. Hrangkunga R/o Bairabi North, Mizoram
Relative of deceased Zakamlova, Ropari & Zoramsanga
39. Thanglianhnuna R/o Bairabi North, Mizoram
Relative of deceased Hualziki, Zahuati,
Jeho Lalduhawma & Lalchankima
40. Lalkhumtiri R/o Bairabi North, Mizoram
Relative of deceased F. Lalrema
41. C. Lalthlengliana R/o Bairabi North, Mizoram
Relative of deceased Lalhmingliana

42. Lalvuani R/o Bairabi North, Mizoram
Relative of deceased Kawlchhingpuia
43. R. Hrangkima R/o Bairabi North, Mizoram
Relative of deceased Lalruatbiki
44. B. Lalhlimpuii R/o Bairabi North, Mizoram
Relative of deceased Hilda Zodinsangi
45. R. Lalramhluni R/o Bairabi North, Mizoram
Relative of deceased Lalchharliani, Vaikhuma,
Hmari & Ralkapzauvi
46. Ramliani R/o Bairabi North, Mizoram
Relative of deceased Sangthangi & R. Vanlalduha
47. Vanlaltawki R/o Bairabi North, Mizoram
Relative of deceased Khuangvuanthangi & Valalithanga
48. F. Lalhriattira R/o Bairabi North, Mizoram
Relative of deceased Aikhuma, Lalramzaua & Lalrotawni
49. Rohlupuii R/o Bairabi North, Mizoram
Relative of deceased Lalthuami & B. Liansua
50. F. Lalthannguri R/o Bairabi North, Mizoram
Relative of deceased F. Lalrinliani
51. Sangmawia R/o Bairabi North, Mizoram
Relative of deceased Zasanga
52. Rosangi R/o Bairabi North, Mizoram
Relative of deceased Biakchhungi & Lalrinmawii
53. Lalduhawma R/o Bairabi North, Mizoram
Relative of deceased Bualkunga
54. Biaksangi R/o Bairabi North, Mizoram
Relative of deceased Liankhuma, Hrangthanpuii,
Lalengsangi & Lalramthari
55. Neihliana R/o Bairabi North, Mizoram
Relative of deceased Zakungi, Biakchhunga,
Sangneihthanga & Lalrithanga

56. Lianchhungi R/o Bairabi North, Mizoram
Relative of deceased Lalsiama, Lianbili,
Vanramnunmawii & Rohnuna
57. Vanlalfela R/o Bairabi North, Mizoram
Relative of deceased Vanlalngilneiha
58. H. Lalberema R/o Bairabi North, Mizoram
Relative of deceased Seruala,
Sailianthanga & Vanlalruata
59. Zohmingthanga R/o Bairabi North, Mizoram
Relative of deceased Samuel Lalchungnunga
60. Lalbiakmawia R/o Bairabi North, Mizoram
Relative of deceased Hualrokima
61. H.Lalberema R/o Bairabi North, Mizoram
Relative of deceased Lalnunsiami
62. Lalbiakmawia R/o Bairabi North, Mizoram
Relative of deceased Hualrokima
63. Biaksanga R/o Bairabi North, Mizoram
Relative of deceased Ralthangpuii
64. Lalduhlana R/o Bairabi North, Mizoram
Relative of deceased P.C. Lalzarmawii
65. Lalneiha R/o Bairabi North, Mizoram
Relative of deceased Tuiawmlova & Lalzahawmi
66. Laltanpuii R/o Bairabi North, Mizoram
Relative of deceased Chawithangi
67. B. Zairemsanga R/o Bairabi North, Mizoram
Relative of deceased Lilipari
68. Lalzamliani R/o Bairabi North, Mizoram
Relative of deceased Lalremsangi
69. Lalzawmliani R/o Bairabi North, Mizoram
Relative of deceased Biakthansanga
70. Chhawnthanga R/o Bairabi North, Mizoram
Relative of deceased Ngurthanmawii

71. C. Lalruatkima R/o Bairabi North, Mizoram
Relative of deceased Vanlalbeiseii,
Thuampuii & Lalsangliana
72. Tlangrothangi R/o Bairabi North, Mizoram
Relative of deceased Lalsawmliana & Ramzauva
73. R. Vanlalphenah R/o Bairabi North, Mizoram
Relative of deceased B. Vanlalpeki & R. Vanlaltanpuui
74. J. Lalchhuanawma R/o Bairabi North, Mizoram
Relative of deceased J.Lalduhawma
75. C. Lalmakthanga R/o Bairabi North, Mizoram
Relative of deceased Lalrintluangi
76. Rohlupuii R/o Bairabi North, Mizoram
Relative of deceased Rozinga
77. P.C. Thanglianahunga R/o Bairabi North, Mizoram
Relative of deceased Helen Lalrinkimi
78. Lalparmawia R/o Bairabi North, Mizoram
Relative of deceased V.L. Hriata
79. Laldawli R/o Bairabi North, Mizoram
Relative of deceased C. Lalchhuankima
80. F. Zothangnguri R/o Bairabi North, Mizoram
Relative of deceased F. Lalthakima
81. Remsiamliani R/o Bairabi North, Mizoram
Relative of deceased Thansiami
82. Lalramchhana R/o Bairabi North, Mizoram
Relative of deceased P.C. Lalrintluanga
83. Khawkhuma R/o Bairabi North, Mizoram
Relative of deceased Lalrinawma
84. Lianchungnunga R/o Bairabi North, Mizoram
Relative of deceased Lalrinliana
85. Vanlalnheha R/o Bairabi North, Mizoram
Relative of deceased Lalrohluna

86. Lalvuani R/o Bairabi North, Mizoram
Relative of deceased Lalhmingliani
87. F. Lalthuammawia R/o Bairabi North, Mizoram
Relative of deceased Lalenglawmi
88. Thangzuali R/o Bairabi North, Mizoram
Relative of deceased Lalthanchhunga
89. Zodinpuui R/o Bairabi North, Mizoram
Relative of deceased R. Thanghuama
90. H. Vanlalbuanga R/o Bairabi North, Mizoram
Relative of deceased H.Lalthanmawia
91. S. Tharmawii R/o Bairabi North, Mizoram
Relative of deceased Kaizabeti
92. Lalrotluanga R/o Bairabi North, Mizoram
Relative of deceased Lalrinawma
93. Lalhmuaki R/o Bairabi North, Mizoram
Relative of deceased Sapliana
94. Lalrotluanga R/o Bairabi North, Mizoram
Relative of deceased Lalneihkimi
95. P.C. Liangngura R/o Bairabi North, Mizoram
Relative of deceased Lalhmingiamsi
96. Ropuia R/o Bairabi North, Mizoram
Relative of deceased Sangkungi
97. L. Hluni R/o Bairabi North, Mizoram
Relative of deceased Thanglianchnhunga
98. Lalberema R/o Bairabi North, Mizoram
Relative of deceased Vanlalthangi
99. Zothunnguri R/o Bairabi North, Mizoram
Relative of deceased F. Rozara
100. Vanlalnheha R/o Bairabi North, Mizoram
Relative of deceased Lalneihzova

101. Lalhriatpuia R/o Bairabi North, Mizoram
Relative of deceased Vanlalhluna
102. Zarliana R/o Bairabi North, Mizoram
Relative of deceased Kawlthangtluangi
103. Siamkungi R/o Bairabi North, Mizoram
Relative of deceased Lalvulmawia
104. K. Lalchhandama R/o Bairabi North, Mizoram
Relative of deceased Lalhmingangi
105. PC Pahlira R/o Bairabi North, Mizoram
Relative of deceased K. Lalrintluangi
106. Thangsavunga R/o Bairabi North, Mizoram
Relative of deceased Thianghlimi,
Lalchhandami & Lalrinsiana
107. Lalrokima R/o Bairabi North, Mizoram
Relative of deceased Zahmingliani
108. Lalrotluanga R/o Bairabi North, Mizoram
Relative of deceased Lalbiaknii
109. Ronghakliana R/o Bairabi North, Mizoram
Relative of deceased Rinthanga
110. Biakchhungi R/o Bairabi North, Mizoram
Relative of deceased Rallianthanga
111. C. Sangliana R/o Bairabi North, Mizoram
Relative of deceased Lalrempuii & Lalnunngili
112. P.C. Malsawmi R/o Bairabi North, Mizoram
Relative of deceased Laltei
113. Zarliana R/o Bairabi North, Mizoram
Relative of deceased Lalrinkima
114. R. Lalnunsanga R/o Bairabi North, Mizoram
Relative of deceased R. Lalhmingthanga
115. R. Lalmangaiha R/o Bairabi North, Mizoram
Relative of deceased R. Lalrokimi

116. H. Sanghmingthanga R/o Bairabi North, Mizoram
Relative of deceased Hrangkhumi
117. Chhuanawmi R/o Bairabi North, Mizoram
Relative of deceased Lalniropuii & Lalvena
118. Israeli R/o Bairabi North, Mizoram
Relative of deceased Rambadur
119. Lalhmangaihi R/o Bairabi North, Mizoram
Relative of deceased Nunmawii
120. V.L. Ruata R/o Bairabi North, Mizoram
Relative of deceased Rovi, Lalrinmawii,
Lalmuankimi & Lalnunfela
121. Kaphranga R/o Bairabi North, Mizoram
Relative of deceased Mawizuala
122. Kawlkhuma R/o Bairabi North, Mizoram
Relative of deceased Lalrinawmi & Lalramhmuaki
123. L. Rinpuii R/o Bairabi North, Mizoram
Relative of deceased Romawia
124. Lalzarliana R/o Bairabi North, Mizoram
Relative of deceased R. Lalkhuma & Kawlthanthuami
125. Lalruali R/o Bairabi North, Mizoram
Relative of deceased Lalrintluanga
126. C. Lalramthara R/o Bairabi North, Mizoram
Relative of deceased C. Lalrosangi
127. Lalramthara R/o Bairabi North, Mizoram
Relative of deceased C. Lalrengpuii
128. Laljehova R/o Bairabi North, Mizoram
Relative of deceased Rochhunga, Aichhunga,
Lalthlamuana & Lalthangfala
129. Lalramkungi R/o Bairabi North, Mizoram
Relative of deceased Vuma
130. H. Kaphmingthanga R/o Bairabi North, Mizoram
Relative of deceased Lalsiamthari

131. C. Lalchhuankima R/o Bairabi North, Mizoram
Relative of deceased Rosy Lalrinawmi & Lalhruaitluanga
132. Lalengliani R/o Bairabi North, Mizoram
Relative of deceased Lalhmingmawia & Lalhruaia
133. Zarlina R/o Bairabi North, Mizoram
Relative of deceased R.Lalkhuma
134. Lalduhlina R/o Bairabi North, Mizoram
Relative of deceased L. Tlanthangi,
L. Hlimpuia & V.L. Ruatkima ... Petitioners/Decree Holders

Versus

1. District Collector, Kolasib District, Kolasib ...Proforma OP
2. Northern Front Railway represented by
Deputy Chief Engineer CON/III/SCL, Silchar
...Judgment Debtors/OP
3. Secretary to the Govt. of Mizoram
Land Revenue & Settlement Department ...Proforma OP

APPEARANCE

For the Decree Holders	:	Shri Lalramhluna, Advocate
For the Proforma OPs No. 1&3	:	None Appears
For the Judgment Debtor	:	Shri Ali Hussain, Advocate.

Hearing	:	3.3.2016
Order delivered on	:	7.3.2016

ORDER

The execution application has been filed under Order 21 of CPC.

2. The case of the applicants in brief is that against the Award no. 1 of 2012 passed by the District Collector, Kolasib in respect of acquisition of lands for

construction of Railway line from Bairabi to Sairang, the Petitioners/Decree Holders filed a reference application under the Land Acquisition Act to the District Collector, Kolasib. In the Award No. 1. Of 2012 (Part-A Bairabi), the Petitioners/Decree Holders were awarded Rs. 15,000/- per grave and the matter was referred to the District Judge, Aizawl registered as L.A. Case no. 42 of 2013. Thereafter, the case was transferred to my predecessor. The OP No. 2 /Judgment Debtor contested the case. The Judgment & Award dated 5.12.2014 was passed by my predecessor. In the Judgment and Award, the award of compensation was enhanced from Rs. 15,000/- to Rs. 70,000/- with 12% statutory interest and 30% solatium and a direction was made for payment of the compensation to the Petitioners/Decree Holders by the OP No. 2 /Judgment Debtor (N.F. Railway) within sixty(60) days from the date of passing the Judgment and Award. However, the OP No.2/Judgment Debtor did not comply with the order for payment of compensation. Hence, the Petitioners/Decree Holders filed the instant Execution Application.

3. I heard the learned Counsel Shri Lalramhluna appearing for Petitioners/Decree Holders as well the learned Standing Counsel Shri Ali Hussain for the OP No. 2/Judgment Debtor.

4. The learned Counsel for the Petitioners/Decree Holders submitted that the instant Execution application has been filed by the Petitioners/Decree Holders way back in the month of March, 2015 and copy of which was given to the OP No.2/Judgment Debtor. The Petitioners/Decree Holders' learned Counsel further submitted that the Petitioners/Decree Holders did not receive any compensation due to the acquisition of their graves for the construction of the said railway line, whereas some other persons under the same acquisition had already received compensation for market value of their lands as per the Award of the Court which is a clear discrimination on the part of the Respondent/Judgment Debtor. According to the learned counsel, the Petitioners/Decree Holders neglected payment of the compensation awarded by this Court. Hence, the learned Counsel made a prayer to this Court to issue a direction to the OP No.2/Judgment Debtor to pay compensation to the Petitioners/Decree Holders as per the Judgment and Award dated 5.12.2014 passed by this Court.

5. On the other hand, the learned Standing Counsel Shri Ali Hussain for the OP No.2/Judgment Debtor submitted that the OP No.2/Judgment Debtor filed a review petition against the Judgment and Award dated 5.12.2014 before this Court, but the same was rejected on 16.2.2015. The learned Standing Counsel further submitted that the OP No.2/Judgment Debtor preferred appeal against the Judgment & Award before the Hon'ble Gauhati High Court, Aizawl Bench, but the same was dismissed as withdrawn with a liberty to file afresh before the appropriate forum. It was also submitted by the learned Standing Counsel that the OP No.2/Judgment Debtor had filed a petition before the Hon'ble Gauhati High Court, Aizawl Bench under Article 227 of the Constitution of India which is pending for disposal. However, the learned Standing Counsel made a prayer not to proceed further in the instant Execution Application even though the Hon'ble High Court did not pass stay order relating to Execution proceeding.

6. After hearing both the parties, I hold that the Execution Application remained in cold storage for almost a year and the OP No.2/Judgment Debtor have not made an attempt to make payment of compensation to the petitioners/Decree Holders. Since the Hon'ble High Court, Aizawl Bench has not passed any stay order in respect of the instant execution proceeding in connection with the petition filed under 227 of the Constitution of India. Hence, I am inclined to issue a direction to the OP No. 2/Judgment Debtor. Accordingly, the Dy. Chief Engineer, CON/III/SLC, Silchar is directed to deposit the Award of compensation to this Court in cash or by way of cheque for onward payment of the same to the petitioners/Decree Holders as per the Judgment & Award dated 5.12.2014 passed by this Court within a period of 2(two) months from the date of this Order failing which Warrant of Arrest/Warrant of Attachment shall be issued against the OP No.2/Judgment Debtor.

7. Put up on 10.5.2016 for Further Proceeding.

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

Memo No. _____/ADJ(A)/2016 : Dated Aizawl, the 7th March, 2016

Copy to: -

1. Sh. C. Lalramthara & Ors. through Counsel Sh. Lalramhluna, Advocate.
2. The District Collector, Kolasib through Sh. R. Lalremruata, Standing Counsel.
3. The Deputy Chief Engineer, North Eastern Frontier Railway, Silchar through Standing Counsel Sh. Ali Hussain, Advocate.
4. Secretary to the Govt. of Mizoram, Land Revenue & Settlement Department through Sh. R. Lalremruata, Standing Counsel.
5. 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