



**THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL
PRADESH)
KOHIMA BENCH**

Case No. : WP(C)/330/2022

CHENDANG SADDLE VILLAGE
REPRESENTED BY THE CHAIRMAN, CHENDANG SADDLE VILLAGE COUNCIL,
TUENSANG, NAGALAND

VERSUS

THE STATE OF NAGALAND AND 6 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND
2:THE COMMISSIONER
GOVT. OF NAGALAND
CIVIL SECT. KOHIMA NAGALAND

3:THE DEPUTY COMMISSIONER
TUENSANG NAGALAND

4:EAC(DEVELOPMENT)
TUENSANG
I-C CHINGMEI EAC HQ

5:THE DEPUTY COMMISSIONER
NOKLAK NAGALAND

6:THE DIRECTOR
RURAL DEVELOPMENT NAGALAND KOHIMA

7:THE PROJECT DIRECTOR
DRDA TUENSANG NAGALAN

Advocate for the Petitioner : C. T. JAMIR, SR. ADV

Advocate for the Respondent : GOVT ADV NL

Linked Case : WP(C)/242/2023

SHRI RETSU @ RITSU

HEAD GAON BURA

CHENDANG SADDLE VILLAGE

PRESENTLY RESIDING AT SHAMATOR

DISTRICT SHAMATOR

VERSUS

THE STATE OF NAGALAND AND 3 ORS

THROUGH THE CHIEF SECRETARY TO THE GOVERNMENT OF NAGALAND

CIVIL SECRETARIAT
KOHIMA

2:THE COMMISSIONER

NAGALAND
KOHIMA

3:THE DEPUTY COMMISSIONER

TUENSANG
NAGALAND
4:THE DEPUTY COMMISSIONER

SHAMATOR
NAGALAND

Advocate for : H MUKAM

Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND AND 3 ORS

**BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

29.02.2024

Both the writ petitions are taken up together for disposal by this common order.

2. From a perusal of the writ petition in WP(C) No.330/2022, it reveals that the petitioner herein has challenged the order dated 20.03.2015 issued by the Deputy Commissioner Tuensang. Taking into account the relevance of the said order, the relevant portion of the said order is reproduced herein under:-

*“GOVERNMENT OF NAGALAND
OFFICE OF THE DEPUTY COMMISSIONER
TUENSANG : NAGALAND*

No.CON-204/2014-15/

Dated Tuensang, the 20" March, 2015

ORDER

Consequent upon the prevailing law and order situation at Chendang Saddle village, the residents of Chendang Saddle village belonging to the Yimchunger community have already vacated their houses which were subsequently burnt down on 12" December, 2014 and 7" January, 2015 respectively, for which investigation by the police is under process. In spite of the efforts being made by the government for early resettlement of the displaced families/community, it is observed that the process apparently will take longer than expected.

In this regard, the undersigned is of the view that for all practical aspects and judicious appropriation, the developmental funds and activities in the village should be kept under

suspension. Therefore, all developmental funds from the government to Chendang Saddle village are frozen till further order.

*(ALEM JONGSHI)
Deputy Commissioner
Tuensang”*

3. From a perusal of the above quoted order it reveals that the development fund and activities of the petitioner's village in WP(C) No.330/2022 was directed to be kept under suspension for the reasons disclosed in the said order and further, all development funds from the Government to the petitioner's village was frozen till further order.

4. This Court also finds it relevant to take note of that in both the writ petitions there has been a prayer made to that effect that funds to which the petitioners therein are entitled to should be released by the Authorities concerned. It has been submitted by the respondents that the said order dated 20.03.2015 no longer remains taking into account the freezing of the development funds by the Deputy Commissioner concerned is no longer in existence. It has also been stated by the State respondents that due funds have been released to the petitioner's village in question. This Court has also dully taken note of the submission of Mr. C. T. Jamir, the learned Senior Counsel who submits that although certain funds have been released but there seems to be certain misappropriation and manipulation by the concerned authorities for which the representatives of the petitioner's village have been taking appropriate steps for getting more further details.

5. This Court having taken into consideration that the order dated 20.03.2015 no longer survives and the respondents' stand to the effect that the fund are now been released is of the opinion that nothing further remains to be adjudicated in the instant writ petitions for which both the writ petitions stand closed.

6. This Court however observes that the closing of both the writ petitions shall not prejudice the right of the petitioners in both the writ petitions to avail remedy if upon investigation it is found that there is manipulation and misappropriation of the amount to which the petitioner's village is entitled to.

JUDGE

Comparing Assistant