GAHC020005902026

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

Case No. : I.A.(Civil)/214/2026

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY GOVT. OF NAGALAND 2: THE COMMISSIONER AND SECRETARY
DEPT. OF WORKS AND HOUSING
NAGALAND
KOHIMA

3: THE ENGINEER IN CHIEF
NPWD
NAGALAND
KOHIMA

4: THE CHIEF ENGINEER
PWD(NH)
NAGALAND
KOHIMA

5: THE DEPUTY COMMISSIONER
PHEK
NAGALAN

VERSUS

SHRI NEKUDUYI HUIRE AND 22 ORS
S/O SHRI NESUYI HUIRE, PERMANENT RESIDENT OF PHEK VILLAGE, PHEK, NAGALAND - 797108 2:SHRI ZHOSHEPA H. KEYHO
S/O LATE CHIVOTSO
PERMANENT RESIDENT OF PHEK VILLAGE
PHEK
NAGALAND - 797108

3:SHRI SUVEI
S/O SHRI LUSAYI
PERMANENT RESIDENT OF PHEK VILLAGE

PHEK
NAGALAND - 797108

4:SHRI NESAKHOYI VENUH
S/O SHRI VETARE VENUH PERMANENT RESIDENT OF PHEK VILLAGE
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5:SHRI VEMUDO VENUH
S/O SHRI DUNEPA VENUH
PERMANENT RESIDENT OF PHEK VILLAGE
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6:SHRI ZHOTHOSE VENUH
S/O SHRI VEXONU VENUH
PERMANENT RESIDENT OF PHEK VILLAGE
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7:SHRI DUVETSEIYI VENUH
S/O SHRI VEIZO
PERMANENT RESIDENT OF PHEK VILLAGE
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8:SHRI VEPICHI KEYHO
S/O SHRI NIEKHUSA KEYHO
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S/O SHRI SUSAI HOSHI
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15:SHRI KHOSHETO HOSHI
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19:SHRI SHEKHOZO CHIZO
S/O SHRI CHINEYI
PERMANENT RESIDENT OF PHEK VILLAGE
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20:THE UNION OF INDIA
REPRESENTED BY THE SECRETARY
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS
GOVT. OF INDIA.

21:THE NHIDCL
REPRESENTED BY THE MANAGING DIRECTOR
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS
GOVT. OF INDIA
3RD FLOOR
PTI BUILDING
41 - PARLIAMENT STREET
NEW DELHI - 110001

22:THE EXECUTIVE DIRECTOR
NHIDCL(P)
KOHIMA
NAGALAND

23:THE VILLAGE COUNCIL
PHEK VILLAGE
REPRESENTED BY ITS CHAIRMAN
PHEK
NAGALAN

Advocate for the Petitioner : GOVT ADV NL,

Advocate for the Respondent : ,

Linked Case : WA/44/2026

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PHEK VILLAGE
REPRESENTED BY ITS CHAIRMAN
PHEK
NAGALAND

Advocate for : GOVT ADV NL
Advocate for : appearing for SHRI NEKUDUYI HUIRE AND 22 ORS

Linked Case : I.A.(Civil)/215/2026

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REPRESENTED BY THE CHIEF SECRETARY GOVT. OF NAGALAND

2: THE COMMISSIONER AND SECRETARY
DEPT. OF WORKS AND HOUSING
NAGALAND
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SON OF SHRI. NESUYI HUIRE PERMANENT RESIDENT OF PHEK VILLAGE
PHEK-797108
NAGALAND

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BEFORE
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR
HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER

ORDER

Date : 07.10.2026

(Y Longkumer. J)

The instant application under Section 5 of the Limitation Act, 1963, has been preferred, praying for condonation of delay

of 96 days, in filing the connected Writ Appeal, against the impugned Judgment and Order dated 24.03.2026, passed by the learned Single Judge, in WP(C) No. 167/2024 and other analogous matters.

Heard Ms. V Suokhrie, learned Addl. Advocate General, State of Nagaland, appearing for the appellants and Mr. I Imchen, learned Counsel appearing on behalf of the respondent.

The reasons for the delay have been set-out in paragraph 4 of the instant application, whereby, it is stated that the delay was not intentional or due to negligence or lapses on the part of the applicant. But, due to the fact that the concerned Department has received the Court's common Judgment and Order dated 24.03.2026, in the second week of April, 2026, and after receiving the same, the department had examined the matter and the Chief Engineer, PWD, (NH), Nagaland, had written to the Government, vide letter dated 08.06.2026, to prefer an appeal against the said Judgment and Order and asking for further necessary instructions.

Thereafter, a meeting was held on 05.06.2026, between the Commissioner & Secretary, Dept. of Works and Housing, Nagaland and Chief Engineer (PWD), (NH), Nagaland, to discuss the matter, as the petitioner had

undertook not to raise any claims on the land, while accepting the damage compensation. Accordingly, it was decided to file the appeal against the common Judgment and Order dated 24.03.2026.

Thereafter, vide a letter dated 10.06.2025, the Addl. Secretary, Dept. of Works and Housing, Nagaland, had instructed the Addl. Advocate General, Nagaland to file an appeal against the common Judgment and Order dated 24.03.2026 and the said letter was received by the Office of the Addl. Advocate General, Nagaland, on 07.07.2026 and thereafter, after taking some time for preparation and drafting, the appeal was filed on 09.09.2026.

Ms. V Suokhrie, learned Addl. Advocate General, State of Nagaland, therefore, submits that the appellants have taken steps, in earnest, in filing the connected Writ Appeal and prays that the delay of 96 days may be condoned.

Mr. I Imchen, learned Counsel appearing on behalf of the respondents has submitted that he has no objection regarding the delay and that the matter may be heard on merit.

In view of the above facts and circumstances, we are of the view that the appellants/applicants have been able to show

sufficient cause for the delay of 96 days and accordingly, the present Interlocutory Application is allowed and the delay of 96 days is condoned.

Registry shall list the connected Writ Appeal for Admission on 28.10.2026.

Sd/-

JUDGE

Comparing Assistant