GAHC020006322026

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

Case No. : I.A.(Civil)/237/2026

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

3: THE ENGINEER-IN-CHIEF
PWD (NH). NAGALAND KOHIMA

4: THE CHIEF ENGINEER
PWD (NH)
NAGALAND KOHIMA

5: THE DEPUTY COMMISSIONER
PHEK NAGALAN

VERSUS

SHRI KUCHONGOYO TUNYI AND 13 ORS
SON OF DUSANYO, PERMANENT R/O RD BLOCK KIKRUMA PHEK DISTRICT-797108, NAGALAND2:SHRI PULOHU VERO
SON OF LT. ABO
PERMANENT R/O KIKRUMA VILLAGE
PHEK DISTRICT-797108

3:SHRI THENUVEYI THULUO
SON OF LT. HONU THULUO
PERMANENT R/O KIKRUMA VILLAGE
PHEK DISTRICT-797108

4:SHRI ZACUP CHOTSO
SON OF LT. NGORUNYI CHOTSO
PERMANENT R/O RUKIZU COLONY PFUTSERO
PHEK DISTRICT-797108

5:SHRI CIEKROKHOYI ROSE
SON OF LT. POSATSO ROSE
PERMANENT R/O PHUSACHODU VILLAGE
PHEK
NAGALAND-797108

6:SHRI VEZHUYI CHUZHO
SON OF VETSORU CHUZHO
PERMANENT R/O PHUSACHODU VILLAGE
PHEK DISTRICT-797108

7:SHRI VEHUPA ROSE
SON OF LT. HUVECHO ROSE
PERMANENT R/O PHUSACHODU VILLAGE
PHEK DISTRICT-797108

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SON OF LT. RAYI
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10:SHRI KEVEPOYI DIZUMO
SON OF LT. HURITSO DIZUMO
PERMANENT R/O ZHIPA COLONY PFUTSERO
PHEK DISTRICT-797108

11:THE UNION OF INDIA
REPRESENTED BY THE SECRETARY
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS
GOVT. OF INDIA
TRANSPORT BHAWAN 1
PARLIAMENT STREET
NEW DELHI-110001

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

13:THE EXECUTIVE DIRECTOR NHIDCL (P)
NAGALAND KOHIMA

14:THE VILLAGE COUNCIL
PFUTSERO VILLAGE
REPRESENTED BY IT CHAIRMAN
PHEK NAGALAND-79710

Advocate for the Petitioner : GOVT ADV NL,

Advocate for the Respondent : ,

Linked Case : I.A.(Civil)/238/2026

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PHEK NAGALAND-797108

Advocate for : GOVT ADV NL
Advocate for : appearing for SHRI KUCHONGOYO TUNYI AND 13 ORS

Linked Case : WA/52/2026

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Advocate for : GOVT ADV NL
Advocate for : appearing for SHRI KUCHONGOYO TUNYI AND 13 ORS

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