GAHC020006382026

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

Case No. : I.A.(Civil)/241/2026

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY, NAGALAND, KOHIMA 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 DISTRICT
NAGALAN

VERSUS

SHRI WEMHELO AND 28 ORS
S/O SHRI WEZOHI, PERMANENT RESIDENT OF LOSAMI VILLAGE, PHEK, NAGALAND 2:SHRI WENISHE K. TARA
S/O SHRI HIPEKHA K. TARA
PERMANENT RESIDENT OF LOSAMI VILLAGE
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NAGALAND

3:SHRI HIWEKU MEBOU
S/O SHRI WENEITSO MEBOU
PERMANENT RESIDENT OF LOSAMI VILLAGE

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29:THE VILLAGE COUNCIL
LOSAMI VILLAGE
REPRESENT BY ITS CHAIRMAN
PHEK NAGALAN

Advocate for the Petitioner : GOVT ADV NL,

Advocate for the Respondent : ,

Linked Case : WA/50/2026

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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