GAHC020006442026

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

Case No. : I.A.(Civil)/220/2026

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY GOVT. OF NAGALAND 2: THE COMMISIONER 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 POSHITSOLU D. VADEO AND 65 ORS
D/O LT. PHUTSON, PERMANENT R/O SAKRABA VILLAGE, PHEK, NAGALAND-797107 2:SHRI HUTAVE
S/O LT PUMGOCHO
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

3:SHRI NGOLIO D VADEO
S/O LT. CIEKHUSWUYI
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

4:SHRI POSHETSOCUKHAMU AND PARTY

REPRESENTED BY SHRI POSHETSOCHUKHAMU
S/O LT. VESAPRA
PERMANENT R/O SAKRABA VILLAGE
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5:SHRI POSHETSOCUKHAMU
S/O LT. VESAPRA
PERMANENT R/O SAKRABA VILLAGE
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6:SHRI MUZITA
S/O SHRI MUSUTSO
PERMANENT R/O SAKRABA VILLAGE
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7:SHRI SHEKHOCUYI
S/O SHRI HUVEZO
PERMANENT R/O SAKRABA VILLAGE
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8:SHRI VENIEHUD D VADE-O
S/O LT. HUVEZO
PERMANENT R/O SAKRABA VILLAGE
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9:SHRI NIERAYID VADEO AND PARTY
REPRESENTED BY SHRI VENIEHU D. VADEO
SON OF SHRI SUHLUNGOYI
PERMANENT R/O SAKRABA VILLAGE
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10:SHRI NIERAYI D VADEO
S/O SHRI SUHLUNGOYI
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S/O LT THUPUSHI
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12:SHRI MULUZHOYI LOHE
S/O SHRI NUNGOYI
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13:SHRI NUPOYI D VADEO
S/O LT PUSUYI
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14:SHRI VESWUSA
S/O LT. VEHUTSO
PERMANENT R/O SAKRABA VILLAGE
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15:SHRI VEMHAYI
S/O LT DUTSONU
PERMANENT R/O SAKRABA VILLAGE
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16:SHRI ZHODUYI
S/O LT. NURU
PERMANENT R/O SAKRABA VILLAGE
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17:SHRI HUVEZO
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18:SHRI SHEYI CUKHAMU
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19:SHRI VEKUHUYI D VADEO
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20:SHRI KUVESA
S/O LT. ZHOTHOSUH
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21:SHRI CIELHURAYI AND PARTY
REPRESENTED BY SHRI CIEKHURAYI
SON OF LT. THEYESWUI
PERMANENT R/O SAKRABA VILLAGE
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22:SHRI CIEKHURAYI
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33:SHRI KUTO AND PARTY
REPRESENTED BY SHRI KUTO
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NEW DELHI-110001

65:THE EXECUTIVE DIRECTOR
NHIDCL(P)
KOHIMA NAGALAND

66:THE VILLAGE COUNCIL
SAKRABA VILLAGE
REPRESENTED BY ITS CHAIRMAN
PHEK NAGALAN

Advocate for the Petitioner : GOVT ADV NL,

Advocate for the Respondent : ,

Linked Case : WA/46/2026

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Advocate for : GOVT ADV NL
Advocate for : appearing for SHRI POSHITSOLU D. VADEO AND 65 ORS

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PHEK
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13:SHRI NUPOYI D VADEO
S/O LT PUSUYI
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

14:SHRI VESWUSA
S/O LT. VEHUTSO
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

15:SHRI VEMHAYI
S/O LT DUTSONU
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

16:SHRI ZHODUYI
S/O LT. NURU
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

17:SHRI HUVEZO
S/O LT VEYENUYI
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

18:SHRI SHEYI CUKHAMU
S/O SHRI VENGOYI
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

19:SHRI VEKUHUYI D VADEO
S/O LT. VEHUTSO
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

20:SHRI KUVESA
S/O LT. ZHOTHOSUH
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

21:SHRI CIELHURAYI AND PARTY
REPRESENTED BY SHRI CIEKHURAYI
SON OF LT. THEYESWUI
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

22:SHRI CIEKHURAYI
S/O LT. THEYESWUI. PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

23:SHRI VEPOTO VADEO
S/O LT. HUVESHE
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

24:SHRI VEPORA D VADEO
S/O SHRI ZAVEHU
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

25:SHRI THUPUHUYID VADE-O
S/O LT. PUYARI
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

26:SHRI CUHUYI D VADEO
S/O LT. BUNEIPRA
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

27:SHRI THUPUKHOYI
S/O LT. THUYESWUYI
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

28:SHRI VESUTO
S/O SHRI CUSOYI
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

29:SHRI HUTARU
S/O LT. ZACUVE
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

30:SHRI ZALESHEYI
S/O LT. KHUHUYI
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

31:SHRI NANISUH
S/O LT. VESUYI
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

32:SHRI SAHITA
S/O LT. MUZACHO
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

33:SHRI KUTO AND PARTY
REPRESENTED BY SHRI KUTO
S/O SHRI VENGOYI
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

34:SHRI KUTO
S/O SHRI VENGOYI
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

35:SHRI VEHUPO LOHE
S/O SHRI KUVESA
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

36:SHRI VESACHO
S/O LT. THUPUVEYI
PERMANENT R/O SAKRABA VILLAGE
PHEK

NAGALAND-797107

37:SHRI SHEPOZO
S/O LT. THUPUNGOYI
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

38:SHRI NUCUTSO
S/O SHRI VEMETHA
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

39:SHRI VENIESO
S/O LT. VEMUTHA
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

40:SHRI NUVEHU
S/O LT RUSOHU
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

41:SHRI BEDUKHO D VADEO
S/O LT. VEPOCUYI
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

42:SHRI KUVEPHUYI LOHE
S/O SHRI VENGO
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

43:SHRI NEHUSA CUKHAMU
S/O SHRI VENGO
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

44:SHRI KUNUSUH
S/O LT. SWUHUYI
PERMANENT R/O SAKRABA VILLAGE
PHEK

NAGALAND-797107

45:SHRI VEKHOSA
S/O SHRI THUVOSA
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

46:SHRI VEPOSU
S/O LT. DUCHO
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

47:LSHRI NUKU VADEO
S/O SHRI CIEKHURAYI
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

48:SHRI KUDEKHUYI
S/O LT. MULEKHRU
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

49:SHRI KUDUPO
S/O SHRI ZALUYI
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

50:SHRI PUCHOYI
S/O LT. TAZUHU
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

51:SHRI HUTO
S/O LT. THUVODUYI
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

52:SHRI THUPUPHUYI
S/O LT. VEPOPRA
PERMANENT R/O SAKRABA VILLAGE
PHEK

NAGALAND-797107

53:SHRI KUDEPHULU
S/O LT. ZHOTHOSUH
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

54:SHRI DIETO
S/O SHRI HUNIEPRA
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

55:SHRI VESWUPRA
S/O LT. MUHUTA
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

56:SHRI KHOTO
S/O SHRI VECUZU
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

57:SHRI SHEVEHU
S/O LT. THEYEKROYI
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

58:SHRI HUSOYI AND PARTY
REPRESENTED BY SHRI HUSOYI
S/O LATE. ROTHIYI
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

59:SHRI THENUSAYI CUKHAMU
S/O LT. SONIEYI
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

60:SHRI MHASHESAYI CUKHAMU
S/O LT.SWUHUYI
PERMANENT R/O SAKRABA VILLAGE

PHEK
NAGALAND-797107

61:SHRI ZASHESA
S/O SHRI NUVEKU
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

62:SHRI RAKHUTSO
S/O LT. VETHISUH
PERMANENT R/O SAKRABA VILLAGE
PHEK
NAGALAND-797107

63:THE UNION OF INDIA
REPRESENTED BY THE SECRETARY
MINISTRY OF ROADS
TRANSPORT AND HIGHWAYS
GOVT. OF INDIA

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

65:THE EXECUTIVE DIRECTOR
NHIDCL(P)
KOHIMA NAGALAND

66:THE VILLAGE COUNCIL
SAKRABA VILLAGE
REPRESENTED BY ITS CHAIRMAN
PHEK NAGALAND

Advocate for : GOVT ADV NL
Advocate for : appearing for SHRI POSHITSOLU D. VADEO AND 65 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