GAHC020007782025 2026:GAU-NL:526

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

Case No. : C. REVN/11/2025

SHRI KEWEKOLO KHALO @ AKUO KHALO @ AKO KHALO
R/O H.NO. A 007, NEW MINISTERS HILL, KOHIMA, PO AND PS-
KOHIMA, NAGALAND

VERSUS

STATE OF NAGALAND AND 6 ORS
REPRESENTED BY THE COMMISSIONER, NAGALAND, KOHIMA

2:THE ADDITIONAL DEPUTY COMMISSIONER
JALUKIE
PEREN
NAGALAND

3:SMTI. NEIPELOU MERO
WIFE OF LT. NGUPEZU
PERMANENT RESIDENT OF PFUTSEROMI VILLAGE
DISTRICT-PHEKJ
NAGALAND. PERMANENT ADDRESS- RESIDENT OF JOTSOMA
SCIENCE COLLEGE ROAD
DISTRICT
KOHIMA NAGALAND

4:SMTI IRIAZAILE
WIFE OF LATE NGANEU
RESIDENT OF JALUKIE TOWN
DOBHASIS LANE
PEREN NAGALAND

5:SHRI KEVIPFUTUO MEYASE
RESIDENT OF RUZAPHEMA BLOCK NO. 3. DISTRICT-
CHUMUKEDIMA
NAGALAND

6:SHRI LOZENYU KUOTSU @ ALUO
SON OF LATE NEIROKO KUOTSU
RESIDENT OF RUZAPHEMA BLOCK-3
CHUMUKEDIMA
NAGALAND

7:NGWALWA VILLAGE COUNCIL
PEREN
NAGALAND
REPRESENTED BY ITS VILLAGE COUNCIL CHAIRMA

Advocate for the Petitioner : LIMAWAPANG, AREPLA CHANG,PFOSEKHO PFOTTE,MEDO VERO,CHUBANUNGKUM

Advocate for the Respondent : GOVT ADV NL,

BEFORE
HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER

ORDER

Date : 01.10.2026

1. By filing the instant revision application under Section 115 of the Code of Civil Procedure, 1908 read with Rule 32 of the Rules for Administration of Justice and Police in Nagaland, 1937 (hereinafter referred to as the Rules of 1937, for the sake of brevity), the Petitioner has prayed for quashing and setting aside the impugned order dated 27.06.2025 passed by the Dobashi Customary Court, Jalukie in File. No. GA/DBs Court/Jlk/LD-40/2025, on the ground that there is violation of Rule 23A of the Rules of 1937 by the Respondent No. 2 in endorsing the appeal filed by Respondent No. 3 to the Dobashi's Court, Jalukie, Peren.

2. Heard learned counsel for the Petitioner, Mr. Limawapang. Also heard, Mr. E.Thiba Phom, learned Senior Government Advocate for Respondent Nos. 1 and 2, and Mr. Z. Kulnu, learned counsel for Respondent No. 3. The

Respondent Nos. 4, 5, 6 and 7 have not entered appearance in spite of due notice.

3. A perusal of the records reveals that there was a land dispute between one Mr. Ngauneu and Mr. Peitu. In the year 2015, the Ngwalwa Village Council vide order dated 22.05.2015 had resolved the land dispute between Ngauneu and Peitu by dividing the land into half, i.e. 50/50, between the parties. Pursuant to the said order dated 22.05.2015, an agreement was executed between Mr. Ngauneu and Mr. Peitu, on 06.05.2017 to the effect that both the parties accepted the judgment dated 22.05.2015.

4. In the meantime, the case of Respondent No. 3 was that the disputed suit land was initially purchased by one Shri Aceuna in two phases, half from Ngauneu in 2005 and the remaining half from Shri Peitu in 2008. Thereafter, the said Aceuna sold the disputed Suit land to the Respondent No. 3 on 13.10.2008 and since then she had been in possession of the land. She received the order dated 22.05.2015 passed by the Ngwalwa Village Council dividing the land between Mr. Ngauneu and Mr. Peitu. Aggrieved by the order of the Ngwalwa Village Council dated 22.05.2015, the Respondent No. 3 filed an appeal before the Extra Assistant Commissioner, Ngwalwa, Peren, but the matter was referred back to the Ngwalwa Village Council. The Ngwalwa Village Council by its order dated 28.01.2021 simply reaffirmed its earlier order of 22.05.2015.

5. On being aggrieved, Respondent No. 3 again approached the Additional Deputy Commissioner, Jalukie, Peren by filing an appeal on

30.08.2024 against the decision of the Ngwalwa Village Council dated 28.01.2021. Respondent No. 2/Additional Deputy Commissioner, Jalukie, Peren endorsed the appeal to the Dobashi's Court, Jalukie for adjudication. The Dobashi's Court registered the case as MISC Case No. GA/DBC/40/24 and summons were issued to Mr. Ngauneu and the Chairman of Ngwalwa Village Council.

6. It is the case of the Petitioner that Mr. Ngauneu died on 26.06.2024 and before his demise he had already sold his land vide agreement dated 28.05.2012 to one Kevipfutuo Meyase, who had in turn sold the land to the present Petitioner vide agreement dated 22.08.2014 but the Respondent No. 3 did not make the Petitioner a party in the appeal and, therefore, no notice was issued to the present Petitioner, who was the owner of the land sold to him by Mr. Ngauneu by the time the appeal was filed. It is stated that the Petitioner was in physical possession of the disputed plot of land when the Dobashi's Court took up the appeal for adjudication.

7. It is also the case of the Petitioner that the Dobashi's Court/Customary Court, Jalukie, without issuing any summons/notice to the Petitioner, passed the impugned judgment and order dated 27.06.2025 declaring the Respondent No. 3 as the absolute owner of the disputed land.

8. Learned counsel, Mr. Limawapang, appearing for the Petitioner, submits that the Dobashi's Court had no authority or jurisdiction to pass the impugned order dated 27.06.2025 in view of Rule 23A and Rule 31 of the Rules of 1937. To supplement his contention, the learned counsel has

referred to the judgment of the Division Bench of this Court in the case of ***Shri Alemtemshi Jamir & 3 Ors. v. The State of Nagaland & 6 Ors.*** in **WP(C)/164(K)/2017**.

9. Mr. E. Thiba Phom, learned Senior Government Advocate appearing on behalf of the State Respondent Nos. 1 and 2 fairly submitted that in view of the decision of this Court in the case of *Alemtemshi Jamir (Supra)*, the Dobashi's Court had no jurisdiction to entertain the appeal against the decision passed by the Ngwalwa Village Council.

10. Learned counsel appearing for the Respondent No. 3, Mr. Z. Kulnu, has raised the issue of maintainability of the instant petition on the ground that the Petitioner was never a party in the dispute, before the Ngwalwa Village Council nor before the Dobashi's Court. He submits that the dispute before the Dobashi's Court as well as before the Ngwalwa Village Council was to adjudicate whether the disputed land belonged to Mr. Ngauneu or Mr. Peitu. As such, any person who had acquired any land at a later point of time had no right to be heard or was required to be made a party to any proceeding. It is the submission of the learned counsel that the Respondent No. 3 had already bought the disputed land in the year 2008 whereas the Petitioner had admittedly bought the land in 2012 only. He submits that the sale deed executed by the Petitioner is void ab initio as the land owners had already sold off the property in the year 2005/2008. It is the submission of the learned counsel for Respondent No. 3 that the Petitioner has failed to show any cause as to how he is aggrieved by the judgment dated 27.06.2025. As such, the Petitioner has no locus standi to challenge the order dated 27.06.2025 since he has no

right or title over the suit land and he is not an aggrieved party.

11. Learned counsel for Respondent No. 3 further submits that the respondent 3 has no intention to disturb the plot of land belonging to the petitioner and he has no reason to apprehend that the judgment dated 27.06.2025 will prejudice him in any manner and therefore the present petition has been filed prematurely. Learned counsel submits that the judgment dated 27.06.2025 was passed after thorough examination of all the records and after conducting multiple spot verifications and after hearing the aggrieved parties and, as such, there is no infirmity in the judgment and order dated 27.06.2025 passed by the Dobashi's Court.

12. I have duly considered the submissions made by the learned counsel for the parties and perused the pleadings as well as the judgment relied upon by the learned counsel for the Petitioner.

13. Before going into the merit of the case, this Court has to consider the question of maintainability as the Respondent No. 3 has argued that the instant petition is not maintainable on the ground that the Petitioner does not have locus standi to file the instant petition.

14. This Court has perused the impugned order dated 27.06.2025. In the cause-title of the order, the name of the Petitioner is recorded as Mrs. Neipelou Mero and the name of the defendant is shown as Mr. Ngauneu. However, the Dobashi's Court in their order dated 27.06.2025 have also opined that the disputed land has already been sold to one Kewekolo Khalo/Petitioner. In spite of the fact that the Dobashi's Court knew that the land had been sold to the Petitioner, he was not made a party in the

proceedings and no summons were served to him. More pertinently, Shri Ngauneu had already passed away before the appeal was filed before the Dobashi's Court. The Petitioner is, therefore, an affected party and the Respondent No. 3 ought to have impleaded the Petitioner as a party respondent in the appeal before the Dobashi's Court, Jalukie. The instant petition is, therefore, maintainable as the Petitioner by virtue of the sale of the land by the late Mr. Ngauneu to Kevipfutuo Meyase vide agreement dated 28.05.2012 and to the present Petitioner by Kevipfutuo Meyase vide agreement dated 22.08.2014, is affected by the impugned order dated 27.06.2025.

15. The main issue to be decided by this Court, therefore, is whether the impugned order dated 27.06.2025 passed by the Dobashi's Customary Court, Jalukie, Nagaland is required to be interfered with on the ground of lack of jurisdiction. In the case of *Alemtemshi Jamir (Supra)* the Division Bench of this Court examined the issue as to who can exercise the powers under Rule 23A of the Rules of 1937. Rule 23A states:

> *"The Dobhasis hence forward shall try and decide such civil cases only as may be referred to them by the Deputy Commissioner or Additional Deputy Commissioner or Assistant to the Deputy Commissioner as the case may be."*

The Division Bench, in the said judgment and order dated 04.12.2020 in *Alemtemshi Jamir (Supra)* had taken into consideration Rule 1(c) of the Rules of 1937 which defines the term "Assistant to the Deputy Commissioner" and observed that the term has to be understood as any

officer other than the Deputy Commissioner or the Assistant Deputy Commissioner and appointed as Assistant to the Deputy Commissioner. It was further held that in the administrative hierarchy in the districts, after the Additional Deputy Commissioner, the officers next in line are the SDOs and EACs. It was also opined that the expression "shall mean and include officers appointed as such" under Rule 1(c) must be understood as officers below the Deputy Commissioner and the Additional Deputy Commissioner which are referable to SDOs and EACs, who are also Class-I gazetted officers in the administrative set up. In the said judgment by the Division Bench of this Court, it was mentioned that such officer must be declared as Assistant to the Deputy Commissioner. In such circumstances, in the aforementioned case of *Alemtemshi Jamir (Supra)* the Division Bench held that the EAC can be declared as the Assistant to the Deputy Commissioner as per the Rules of 1937.

16. More pertinently, with regard to the instant case, this Court finds it relevant to revert to judgment dated 04.12.2020 passed in *Alemtemshi Jamir (Supra)* on the issue of jurisdiction. The Division Bench has categorically observed that the Dobashi's Court cannot be empowered as an appellate court in view of Rule 23A and Rule 31 of the Rules of 1937 as the Rules clearly debars the Deputy Commissioner/Assistant Deputy Commissioner and his Assistants to confer authority upon the Dobashi's Court.

17. Rule 31 of the Rules of 1937 is reproduced here below:

"Rule 31: An appeal shall lie from the decision of the mauzadar,

gaonbura, chief, headman of khels, dobhasis or other duly recognized village authority, to the tribal court whenever constituted or otherwise to the Deputy Commissioner or his Assistant. A record shall be made of the matter in dispute and the decision of the village authorities. If necessary, the Court shall examine the parties, and if the decision appears to be just, shall affirm and enforce it as one of its own. If the Court sees reason to doubt the justice of the decision, it will try the cases denovo, or refer it to a panchayat as above".

It is evident from the language of Rule 31 that mauzadars, gaonburas, chiefs, headman of khels, dobashis and village courts hold concurrent jurisdiction. More so, in view of the law laid down by the Division Bench of this Court in the case of *Alemtemshi Jamir (Supra),* this Court is unable to hold that the impugned judgment dated 27.06.2025 was passed with jurisdiction as the Dobashi's Customary Court, Jalukie, Nagaland did not have the authority and the jurisdiction to entertain an appeal against the decision of the Ngwalwa Village Council.

18. In view of the above findings, the instant petition is allowed and the impugned order dated 27.06.2025 passed by the Dobashi's Customary Court, Jalukie, Nagaland is set aside.

19. However, since the instant matter involves disputed questions of facts, if any of the parties approaches a civil court of competent jurisdiction, the period of litigation before the wrong forum shall be exempted for the purpose of limitation.

20. With the above directions and observations, the instant petition stands disposed of.

JUDGE

Comparing Assistant