

GAHC010243522023



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

Case No. : PIL(Suo Moto)/7/2023

XXX
GHC, GUWAHATI, ASSAM.

VERSUS

1.IN RE- THE STATE OF MIZORAM,
REP. BY THE CHIEF SECRETARY, NEW SECRETARIAT COMPLEX, AIZAWL-
796001.

2:THE PRESIDENT,
MIZORAM BAR ASSOCIATION,
GENERAL HEADQUATERES, AIZAWL.

3:THE DEPUTY COMMISSIONER, LUNGLEI.

4:THE SECRETARY
TO THE GOVT. OF MIZORAM,
COMMERCE AND INDUSTRIES DEPTT.,
KHATLA, NEAR KHATLA NORTH PRESBYTERIAN CHURCH,
PIN- 796001.

5:THE SECRETARY,
TO THE GOVT. OF MIZORAM,
LAW AND JUDICIAL DEPTT.,
MIZORAM NEW CAPITAL COMPLEX (MINECO),
KHATLA, PIN- 796001

For the Petitioner : Mr. T.J. Mahanta, Standing Counsel, Gauhati High Court assisted by Mr. P.P. Dutta and Ms. P. Sarma, Advocates.

For the Respondent(s) : Mr. D. Das, Advocate General, Mizoram assisted by Mr. A. Kalita, Additional Advocate General, Mizoram and Mr. K. Talukdar, Advocate.

BEFORE
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MICHAEL ZOTHANKHUMA

18.10.2023

The instant *suo moto* PIL is registered on the basis of a representation dated 12.10.2023 submitted by the President, Mizoram Bar Association, raising a grievance regarding the order dated 06.10.2023 passed by the Deputy Commissioner, Lunglei District, Mizoram, whereby the Officer has directed that the Prosecution Branch/Cell of the District Court including the Lock-ups currently housed in the first basement of the Deputy Commissioner's office shall be shifted to the building of Commerce and Industries Department immediately and the vacated floor shall be renovated for the office accommodation of Election Observers, Income Tax officials and the Media Monitoring Cell within 2(two) weeks from the date of issue of the order.

The aforesaid order has been passed on the premise that the building of the Commerce and Industries Department, presently utilized by the Zonal Geology and Mining office, has been handed over to the District Court, Lunglei since 27.09.2023. However, possession of the said building has till date not been handed over to the District Court, Lunglei fully.

Mr. D. Das, learned Advocate General, Mizoram submits that in order to facilitate construction/expansion of the District Court building, Lunglei, the Council of Ministers of the State of Mizoram, in its meeting dated 22.11.2022 had approved the proposal for allotment of the land and building of the Commerce and Industries Department, Lunglei to the District Court.

This Court is apprised that the Deputy Commissioner, Lunglei has issued a "Certificate of Land Availability" certifying that 513.84 sq. metres of land is available within the District Commissioner's office complex for construction/expansion of the District Court building, Lunglei.

Mr. Mahanta, learned Standing Counsel, Gauhati High Court submits that the Bar Association has entered into two rooms of the building of the Commerce and Industries Department, Lunglei allotted to the District Court but as of now neither proper Lock-up facility has been constructed, nor has any room been allotted to the Prosecution Branch. Thus, he urges that the order dated 06.10.2023 passed by the Deputy Commissioner, Lunglei to the extent that the Prosecution Branch of the District Court and the Lock-ups were directed to be vacated, requires intervention by this Court.

This Court is also informed that in a part of the said building, the Zonal office of the Geology and Mining is functioning wherein 2(two) basements are occupied by the Commerce and Industries Department.

Mr. D. Das, learned Advocate General, Mizoram assures that efforts are underway to ensure that the fully vacant building of the Commerce and Industries Department, which has been allotted for construction/expansion of the District Court building by virtue of the decision of the Council of Ministers, Mizoram dated 22.11.2022, will be refurbished so as to meet the requirements of the District Court at the earliest.

In view of the facts noted above, we hereby request Mr. Das, learned Advocate General, Mizoram to ensure that the vacant possession of the entire building allotted to the District Court, Lunglei by the Council of Ministers of State of Mizoram is handed over to the District Judge, Lunglei, within a period not

later than 45(forty five) days from today. The Government of Mizoram shall also provide proper funds for the construction/renovation works required for a fully functional District Court complex.

In the meantime, the effect and operation of the order dated 06.10.2023 to the extent that a direction was given to vacate the Prosecution Branch/Cell of the District Court including the Lock-ups, shall remain stayed.

The possession of the building, upon being vacated, shall be handed over to the District Judge, Lunglei.

List after 2(two) months.

JUDGE

CHIEF JUSTICE

Comparing Assistant