

GAHC030001112026



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

Case No. : Arb.A./7/2026

Sh. K. Lalhlupua and 62 Ors.
R/o Bilkhawthlir, Kolasib District, Mizoram, Pin-796081

2: Sh. Lalthankima

3: Smt. Lalrinchhani

4: Sh. Lalengkima

5: Sh. Ralliana

6: Sh. R. Lengkunga

7: Sh. Lalbiakchhunga

8: Smt. Vulchuilovi

9: Smt. Lalnunmawii

10: Sh. Laldawngliana

11: Sh. Rangkhuma

12: Smt. Lalmalsawmi

- 13: Smt. Lalsangliani
- 14: Sh. Huaplina
- 15: Sh. Zorempara
- 16: Sh. R. Vanlalkunga
- 17: Smt. H. Zoremthangi
- 18: Sh. Rongeta
- 19: Sh. Zomuankima
- 20: Sh. K. Lalnghakliana
- 21: Sh. Siamthanga
- 22: Sh. H. Lalrinhlua
- 23: Sh. Lalhmingchhuanga
- 24: Sh. K. Lalnunpuia
- 25: Sh. Ringliana
- 26: Sh. Lalrinkima
- 27: Sh. Zaithanmawia
- 28: Sh. Lallawmkima Ngente

- 29: Sh. H. Lalnunchama
- 30: Sh. Lalnunfela Pachuau
- 31: Smt. Helen Zosangpuii
- 32: Khualmawi YMA
- 33: Smt. Vanhlupuii
- 34: Sh. F. Lalmuanpuia
- 35: Sh. Lalmalsawma Ngente
- 36: Smt. Lalchhuanawmi
- 37: Smt. K. Laltlanthangi
- 38: Sh. R. Vanlalzawma
- 39: Smt. Thinlaihneimi
- 40: Smt. R.V. Lalthanmawii
- 41: Sh. R. Vanlalawia
- 42: Smt. R. Lallianpuii
- 43: Smt. Zodingpuii
- 44: Sh. Joseph Lalrohlua

45: Sh. Zomuanpuia

46: Sh. Lalruatkima

47: Sh. Lallawmawma Varte

48: Smt. R. Lalfakzuali

49: Sh. R. Vanlalrawna

50: Sh. Lalbiakdika

51: Smt. Lalthansangi

52: Smt. R. Lalengmawii

53: Sh. Hriamkama

54: Sh. Liankunga

55: Sh. R. Vanlalrawna

56: Smt. Rebeki

57: Sh. Hrangthanzuala

58: Sh. Zonunthara

59: Sh. Zonunthanga

60: Smt. Lalhlimpuii

61: Sh. Lalmuankima

62: Sh. C.N. Kunga

63: Sh. Lalrochung

VERSUS

The Competent Authority for Land Acquisition (CALA) and Anr.
Kolasib District/ Deputy Commissioner, Kolasib District, Mizoram, Pin-796081

2:Managing Directo

Advocate for the appellant : Mr. Lalthangmawia, ...Advocate.

Advocate for the respondent : Mr. Kartik Jain, ...Advocate.

:::BEFORE:::

HON'BLE MR. JUSTICE MICHAEL ZOTHANKHUMA

Date on which judgment is reserved : **03.06.2026**

Date of pronouncement of judgment : **10.06.2026**

Whether the pronouncement is of the : N/A
operative part of the judgment ?

Whether the full judgment has been : Yes
pronounced?

JUDGMENT & ORDER (CAV)

Heard Mr. Lalthangmawia, learned counsel for the appellants and Mr.
Kartik Jain, learned counsel for the NHIDCL.

2. The appellants are aggrieved with the non-payment of compensation for land value, in respect of the acquisition of the lands of the appellants, which are covered by Village Council's passes.

3. The appellants case is that an Award under Section 3G of the National Highway Act, 1956 (herein after referred to as 'NH Act') was issued wherein, compensation had been provided to the appellants for the crops and trees standing on their lands. However, as no compensation for the acquired lands had been given, they submit that the respondents are bound to give compensation for the lands in view of Article 300A of the Constitution. The appellants counsel thus submits that the Award under 3G, in so far as it has denied compensation for land value, is bad in law. Further, the Arbitrator's Award dated 05.09.2025 passed by the learned Arbitrator and the impugned Judgment & Order dated 03.11.2025 passed by the learned Addl. District & Sessions Judge, Kolasib in Arbitration Petition No. 3/2023 should also be set aside. The appellants counsel thus prays that a direction should be issued to the respondents to pay compensation for land value to the appellants, due to acquisition of their lands covered by Village Council Passes, issued for agricultural purposes/garden.

4. The counsel for the appellants further submits that the question whether

the Village Council Passes were valid or not cannot be gone into, when the lands of the appellants have been notified and find place in the Award made under Section 3G of the NH Act, for payment of compensation for acquisition of land. In this respect, he has relied upon the Judgment dated 17.10.2016 passed in ***WP(C) 141/2016, Shri. Lalbiaktluanga Vs. State of Mizoram and 4 Ors.***

5. I have heard the counsels for the parties. As can be seen from the records, the appellants were amongst a number of persons who were to be given compensation as per the Award made under 3G of the NH Act. While a number of persons were given compensation for crops, trees and the value of their land, 75 persons including the appellants herein, were given compensation only for crops and trees. They were not given compensation for their land, as their land were allotted to them by the Village Council, vide VC Passes, for garden/agricultural purposes, though the Village Council were not competent to issue VC Passes for garden/agricultural purposes.

6. Being aggrieved with the Award made under 3G of the NH Act dated 10.01.2023, which excluded them from receiving compensation for land, the 75 persons including the 63 appellants herein, went for Arbitration under Section 3G(5) of the NH Act, praying for payment of compensation for the value of their lands, which had been denied to them.

7. The learned Arbitrator thereafter, passed its Arbitration Award dated 05.09.2026, by holding that 2 out of the 75 persons had their cases already decided in Arbitration Case NH-306/Klb/3/Arb-2023 and as such, those cases were not required to be decided any further. With respect to another 3 persons, the learned Arbitrator found that those 3 persons were holding lands covered by Periodic Pattas, due to which they were entitled to payment of compensation with interest for the value of their lands. In respect of another 8 persons, the learned Arbitrator found that the house passes issued to those 8 persons were for house sites and they had been regularized, besides their VC Passes had been clearly entered in the Village Council minute books.

However, for the remaining persons, including the appellants herein, the learned Arbitrator found that their names did not exist in the Village Council meeting minute Books and as such, were not entitled to any compensation for their lands.

8. Being aggrieved with the rejection of their prayer for payment of the compensation for the value of their lands, the appellant preferred an appeal under Section 34 of the Arbitration and Reconciliation Act 1996 (herein after referred to as Arbitration Act), claiming compensation for the value of their lands, which was registered as Arbitration Petition No. 3/2023.

9. The Addl. District & Session Judge, Aizawl, Judicial District, Kolasib, thereafter, disposed of Arbitration petition No. 3/2023, vide the impugned Judgment & Order dated 03.11.2025, by holding that the Village Council passes of the appellants were not regularized and not found in the Village Council minutes books and as such, were not entitled to compensation for the value of their lands. The learned Civil Court thus held that it found no reason to interfere with the Arbitration Award in terms of Section 34 of the Arbitration Act.

10. The appellants have now approached this Court under Section 37 of the Arbitration Act. When the Village Council Passes (VC Pass) in respect of the appellants lands are not found in the Registers of the Village Council concerned, it cannot be said that the land was allotted by the Village Council. There has to be proof of allotment of land in the Village Council Registers. The names of the Village Council members allotting land to a person/body has to be recorded in the VC Books/Registers. In the absence of the same, it cannot be said that the Village Council (VC) has allotted land to any person/body. The date and time of the VC meeting has also to be mentioned in the VC Registers. When there is nothing in the VC Registers showing allotment of land to the appellants, this Court does not find any infirmity in the respondents not giving compensation for the land to the appellants. The title to the land cannot be said to be with the

appellants and the same vests with the Government. Accordingly, this Court does not find any ground to interfere with the Arbitral Award or the impugned judgment and order.

11. The above being said, there is another aspect of the matter which has to be considered. There are different types of land holdings covered by different types of Land Passes in the State of Mizoram. They are land Settlement Certificates, Periodic Pattas, Lease and Village Council passes. Section 3 of the Lushai Hills District (House Sites) Act, 1953 provides for allotment of house sites and other non-agricultural purposes, with the exception of shops and stalls by the Village Councils.

12. Section 3 of the Lushai Hills District (House site) Act, 1953 is as follows:-

"3. Allotment of sites: -1) Subject to the provisions of sub-section (2) of this section, a Village Council shall be competent to allot sites within its jurisdiction for residential and other non-agricultural purposes with the exception of shops and stalls which include hotels and other business houses of the same nature.

Notwithstanding anything contained in this act, the Administrator shall have the power to intervene in all cases of disputes over any sites within the village, and the decision of the Administrator shall be final.

that the Administrator may, at any time by notification, declare that any village or a particular locality is a protected area where allotment of sites shall be done by Village Council only with the previous approval of the Administrator.

2) The Administrator or any person or body authorized in that behalf by the Administrator shall allot sites for residential and other non-agricultural purposes in Aizawl, Lunglei, Demagiri, Sairang, Kolasib, Champhai and N. Vanlaiphai and also sites for shops and stalls which may include hotels and other business houses of the like nature in places other than the said stations.

3) The Village Council, when site is allotted under sub-section (1) and the Administrator or any other person or body, authorized in that behalf by the Administrator when the site is allotted under sub-section (2) shall issue a patta and may incorporate therein in writing such conditions as may be reasonable in the interest of general public or a Scheduled Tribe.

4) The authority issuing the patta on being satisfied on proof that any such condition or conditions incorporated in the Patta have been violated may cancel the Patta.

Provided that such authority instead of cancelling the Patta may impose a fine, when such authority is a Village Council, not exceeding Rs. 50/- and when the authority is the Administrator or any other person or body authorized in that behalf by the Administrator, not exceeding Rs. 100/-

5) No person shall occupy any site without obtaining a Patta from a competent authority as prescribed in sub-section (1) or sub-section (2) as the case may be

6) The Village Council when the site is allotted under sub-section (1) the Administrator or any other person or body authorized in that behalf by the Administrator when it is allotted under sub-section (2) may evict any person having in occupation of unauthorized site after service on such unauthorized occupant of a notice to vacate the site within a period of not less than 7 days.

7) On failure of such unauthorized occupant to vacate the site within the time fixed in the notice Village Council or Administrator or any other person or body authorized by the Administrator in that behalf, may order for demolition of the building or impose a fine not exceeding Rs. 5/- per day for the unauthorized occupation after the service of the notice.

8) The order of the Administrator of a Village Council as the case may be, passed under clauses (6) and (7) above shall be deemed to be a decree of a competent civil court to which this Act applies."

13. Thus, from a reading of Section 3 of the 1953 Act, it is clear that a Village Council has the power to allot house sites for residential and other non-agricultural purposes within its jurisdiction. It cannot allot any pass for garden/agricultural purposes. Thus, only a Village Council house site pass would be a valid pass and acquisition of land covered by a Village Council House Site Pass would make the land owner, entitled to payment of compensation for the land. If a Village Council pass is issued for garden/agriculture purposes, the same being an invalid pass, the holder of the same cannot claim any

compensation for the land value, for the simple reason that he cannot be said to be the owner of the said land.

14. The 1953 Act was thereafter repealed by the Mizoram (Land Revenue) Act, 2013 herein referred to as the "2013 Act", which came into effect on 02.05.2013. Section 39 of the 2013 Act provides that in a village where a site plan has been made, house sites may be allotted by the Village Council by giving a house pass, which should not exceed 1337.80 square meters or one bigha. There is no provision even in the 2013 Act for allotment of land by a Village Council for garden or agricultural purposes. Further, Section 27 of the 2013 Act provides that a pass holder shall have no right in the land held by him, beyond the rights of use and occupancy for such period and under such terms and conditions, as may be specified in the pass. The pass holder shall have no right of transfer, inheritance, or subletting beyond the period so specified in the pass. If there is no period specified in the pass for right of use and occupancy, the validity of the pass shall be deemed to be for a period not exceeding five years, unless the same is renewed. A reading of the 2013 Act also shows that the Village Council has no right to allot any land for purposes other than a house site, not exceeding one bigha.

15. The land laws that were/are applicable at the time of issuance of the

Village Council passes of the appellants, shows that they were invalid passes, inasmuch as, it is also the case of the appellants that the Village Council (VC) passes issued to them were for agricultural purposes. Thus, the Village Council's Garden Passes of the appellants being invalid and de hors the land laws of the State, no compensation for land (land value) can be given to the appellants. The appellants cannot be said to be the legal or bonafide owners of the lands covered by Village Council Passes issued for garden/agricultural purposes.

16. Sections 27 and 39 of the 2013 Act states as follows:-

Section 27

Rights of a Pass-holder

A Pass-holder shall have no right in the land held by him beyond the rights of use and occupancy for such period and under such terms and conditions as may be specified in the Pass and shall have no right of transfer, inheritance, or of sub-letting beyond the period so specified. Provided that where no period has been specified in the existing Pass, the validity of such Pass shall, unless renewed, be deemed to have continued as a valid Pass for a period not exceeding five years from the date of commencement of this Act.

Section 39

Allotment of House-Sites

(1) In the village where site plan have been done, house sites may be allotted by the Village Council by giving a House Pass. The area of House Pass per family to be allotted by the Village Council will not exceed 1337.80 sq.metre or

1 bigha.

(2) In an area where settlement operation has been done, the competent Revenue Officer may, with prior sanction of the Government, allot house-sites by giving a House Pass having an area not exceeding 1337 square metre per family.

Provided that the land document shall contain clear geographical description (including macro and micro mapping), distinguishable boundary description accompanied by boundary pillars and accurate measurement of the area duly recorded.

17. With regard to the contention of the appellants counsel that in terms of the judgment passed in ***WP(C) No. 141 of 2016, "Shri Lalremtluanga & 109 ors. Vs. State of Mizoram & 2 ors"***, and in ***W.A No 200 of 2015***, the issue whether the appellants Village Council Passes are valid or not, cannot be gone into, once the names of the recipients for compensation are included in the Award under Section 3G of the NH Act, this Court finds that the present Award does not recognize the appellants to be the legal owners of the lands covered by the Village Council Passes given for garden/agricultural purposes. That is why compensation for land has not been given to them. They have only been given compensation for crops and trees, which could be due to humanitarian reasons, as they were cultivating the land and using it for agricultural purposes. No right can be said to accrue to the appellants beyond what the law provides. The facts in this case and in the above cases are

different. Though it is true that the Division Bench vide Order dated 08.10.2015 passed in WA No. 200/2015, held that once enhancement of compensation for land is to be considered under Section 28A of the Land Acquisition Act, 1894, the question of application of Section 3 of 1953 Act cannot arise, the facts herein are slightly different. In W.A No. 200/2015, some land owners who had been awarded compensation for their lands in terms of Award No. 1/2012 and who were not satisfied with the compensation given for their lands, approached the Reference Court under Section 18 of the Land Acquisition Act, 1894. The Reference Court enhanced the compensation amount payable to the land owners. The appellants in WA No. 200/2015, who were also land owners in terms of Award No. 1/2012 and who had not availed of Section 18 of the Land Acquisition Act, 1894, sought enhancement of their compensation amount for the land under Section 28A of the L.A Act, 1894, in terms of the relief given to those persons by the Reference Court under Section 18 of the LA Act, 1894. Their claim for enhancement of the compensation amount on land value was on the ground that they were similarly placed as those persons who had approached the Reference Court and that they had all been a part of the same Award. As the case of the appellants in W.A No. 200/2015 was not being considered for enhancement of the compensation amount under Section 28A of the LA Act, 1894, they approached this Court by way of WP(C) 80/2015. This

Court, vide Judgment & Order dated 26.06.2015 disposed of WP(C) 80/2015, by holding that Section 3 of the 1953 Act provided for allotment of land by the Village Councils only for residential and other non-agricultural purposes. However, as the appellants in WA No. 200/2015 had been given land for garden/agricultural purposes by the Village Council, which was in violation of Section 3 of the 1953 Act, they could not be given compensation for land, as they were not owners of the land. Being aggrieved, the writ petitioners in WP(C) No. 80/2015 approached the Division Bench of this Court by way of WA No. 200/2015, wherein the Division Bench held that where the issue was only with regard to enhancement of compensation for land under Section 28A of the LA Act, 1894, the question of applicability of Section 3 of the 1953 Act cannot be gone into. It should also be noted that the observation of the Single Judge in WP(C) No. 80/2015, that persons having lands covered by Village Council passes for agricultural purposes, cannot be entitled to compensation for the value of the lands, in view of Section 3 of the 1953 Act, had not been disturbed by the Division Bench in WA No. 200/2015. Thus, a reading of the above two judgments show that when compensation has already been given for land value, in terms of an Award to the landowners, even in respect of land allotted under V.C. Passes for agricultural purposes, the question of applicability of Section 3 of the 1953 Act cannot be gone into, when the issue pertains to enhancement of

the land compensation under Section 28A, when they have been given compensation by an Award made under Section 11 of the L.A. Act, 1894.

18. In the present case, the appellants were given compensation only for their crops and trees on the lands that they were using. They were not given compensation for the land. As such, the appellants herein have not asked for enhancement of the compensation for the land. They have only asked for compensation for the land, which has been rightly denied to them. The lands were, however, never the appellants' land. The Village Council passes had been issued to the appellants for agricultural purposes and as such, were invalid passes. The compensation given for crops and trees to the appellants was probably given to them out of humanitarian considerations and not on the basis of the land laws in the State. If this Court is to take a view that the lands given to the appellants by way of VC passes for garden/agricultural purposes are valid Passes, the same would amount to validating a void/invalid act. Further, the Division Bench in WA No. 200/2015 did not disturb the finding of the Single Bench in WP(C) No. 80/2015, wherein it had been held that the Village Councils were not competent to allot land for garden/ agricultural purposes.

19. In WP(C) No. 141/2016 "**Sh. A.H. Lalbiaktluanga Vs. State of Mizoram & 4 Ors.,**" a Single Bench of this Court held that the Division Bench

Order dated 08.10.2015 passed in WA No. 200/2015, was that once the land owners sought enhancement of the compensation amount under Section 28A, the question of application of Section 3 of the 1953 Act cannot be gone into. This Court in the above case [WP(C) No. 141/2016] held that the import of the order dated 08.10.2015 in W.A No. 200/2015 was that once land covered by V.C Passes had been included in an Award made under the L.A. Act, 1894, the question of whether they were valid or not cannot be gone into at a later stage. The last six lines of Para 12 of the judgment passed in WP(C) No. 141/2016, would have to be read in conjunction with the Order dated 08.10.2015 passed by the Division Bench in WA No. 200/2015, as it derives its colour and context from the same.

20. The Order dated 08.10.2015 passed in WA No. 200/2015 and para 12 of the judgment passed in WP(C) No. 141/2016 are as follows:

Order dated 08.10.2025 in WA No. 200/2015

"Heard the appellants and the respondents.

Appellants are aggrieved by the observations made by the learned Single Judge in the order dated 26th June, 2015 in WP(C) 80/2015 with regard to the applicability of Section 3 of the Lushai Hills District (House site) Act, 1953.

It is the case of the appellants that their lands have been acquired by the railways and compensation has been determined by the land acquisition officer

and accordingly paid. In reference, the Civil Court enhanced the compensation.

It is the contention of the appellants that whatever amount enhanced by the Civil Court in reference the amount awarded in the reference should be uniformly paid to the land owners whose lands have been acquired under the same notification.

Therefore in view of the provisions of Section 28A of the Land Acquisition Act, 1894 the appellants sought a mandamus against the Collector to pay the compensation according to the award made by the Civil Court. Appellants have been awarded compensation determined by the land acquisition officer.

Appellants now seek the enhanced compensation fixed by the reference court as required under Section 28A of the Land Acquisition Act, 1894. The question application of Section 3 of the Lushai Hills District (House Site) Act, 1953 does not arise. In that view of the matter the writ appeal is allowed. The Collector shall pay compensation as required under Section 28A of the Land Acquisition Act, 1894 within three months from the date of receipt of the copy of this order."

Para 12 of the Judgment in WP(C) No. 141/2016

"12. A reading of the Order dated 8.10.2015 passed in WA No. 200/2015, implies that the Division Bench has held that the question of application of Section 3 of the Lushai Hills District (House Site). Act, 1953, cannot be gone into when the land owners seek enhancement of their compensation amount by the Reference Court under Section 28(a) of the Land Acquisition Act, 1894. Thus, the Division Bench in WA No. 200/2015 has not disturbed the finding of

the Single Bench in WP(C) No. 80/2015, with regard to the law laid down that Village Council's are not competent to allot land for agricultural purposes. The import of the Division Bench Order dated 8.10.2015 in WA No. 200/2015 is to the effect that, once land covered by Village Council Passes have been included in an Award made under Land Acquisition Act, 1894, the question of whether they are valid or not, cannot be gone into at a subsequent stage."

As stated earlier, the last six lines of para 12 of the Judgment passed in WP(C) No. 141/2016 would have to be read in line with the colour and context of the rest of paragraph 12, i.e. only when the question of enhancement of compensation for land value under Section 28A is to be decided, the applicability of Section 3 of the 1953 cannot be gone into.

21. In the case of "***People's Right to Information and Development Implementation Society of Mizoram (PRISM) Vs. The State of Mizoram & Anr.***", WP(C) No. 5993/2014 (GAU) re-numbered as WP(C) no. 74/2016 (AB), the Division Bench of this court held that Section 3 of the 1953 Act gave power to the Village Council to allot sites within its jurisdiction, only for residential and other non-agricultural purposes. The Village Councils do not have the power to allot land for agriculture purposes under the Mizo District (Agricultural Land) Act, 1953. Thus, from a reading of the above judgments of this Court, it is quite clear that the appellants who are claiming compensation for land value on the

basis of their Village Council Garden Passes, are not entitled to the same, as the passes are invalid and/or void.

With respect to the question of allotment of agricultural land, the same is provided under the Mizo District (Agricultural Land) Act, 1963. Further, for Jhumming purposes, there is the Lushai Hills District (Jhumming) Regulation, 1954, which provides land to villagers for use for short periods of one to two years only.

22. An Arbitral Award can be set aside, only in terms of Section 34 of the Arbitration Act.

23. As the ground taken by the appellants for challenging the Arbitral Award and the impugned judgment & order passed by the learned Civil Court do not come within the provisions of Section 34 of the Arbitration Act, this Court does not find any grounds to allow the present appeal. It may again be reiterated that when there is no record of land being allotted to the appellants by way of Village Council passes in the Village Council registers/records, it cannot be said that the appellants were allotted land by the Village Council. Land allotment by a Village Council has to be done during the sitting of the Village Council members. If all the Village Council members cannot participate in a particular

meeting for allotting land to villagers, at least the majority of the members of the concerned Village Council have to be present in the meeting. A decision to allot land to a person in the meeting of the Village Council has to be reflected in writing in the meeting minutes and recorded in the VC registers, signed by the members of the Village Council who attended the meeting. Unless there is the record of the meeting of the Village Council members allotting land to a particular person, it cannot be said that land has been allotted to a particular person. It is only after there is a record of the meeting minutes of allotment of land by the Village Council in the Village Council register, that a person can be said to be allotted land by the Village Council. When there is no record in the Village Council register showing that land had been allotted to the appellants, it cannot be said that they have been allotted land by the Village Council. The Village Council cannot allot land in the absence of any meeting minutes/decision of the Village Council, which should be made by not less than 50% of the Village Council. Allotment of land cannot be done/made by a single Village Council member, whether it be the President or the Secretary of the Village Council, unless a majority of the members of the Village Council have allotted the land and the same is recorded in the Village Council register. In the present case, the Village Council register does not have a record of allotment of land or the Village Council Passes to the appellants, which is reflected in the Arbitral Award. The

Arbitral Award has also been upheld by the learned Civil Court, while deciding the application under Section 34 of the Arbitration Act.

24. In view of the reasons stated above, this Court does not find any infirmity in the decisions of the learned Arbitrator and the learned Civil Court.

25. The appeal is accordingly dismissed.

26. Send back the records.

JUDGE

Comparing Assistant