



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

Case No. : WP(C)/88/2022

SHRI. L. NOKMAN WANGSHU
S/O LATE WANGSHU KONYAK
R/O TIZIT TOWN
DISTRICT - MON
NAGALAND

VERSUS

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT
OF NAGALAND
KOHIMA

2:THE HOME COMMISSIONER

NAGALAND
KOHIMA

3:THE DEPUTY COMMISSIONER

MON
NAGALAND

4:THE ADDITIONAL DEPUTY COMMISSIONER

TIZIT
MON
NAGALAND

5:SHRI. N. SHOMWANG @ SHOMWANG WANGHAM
S/O NOKZAM WANGHAM-CHIEF ANGH JABOKA VILLAGE

MON
NAGALAND

Advocate for : TONGPOK PONGENER
Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND
AND 4 ORS

Linked case: WP(C)/58/2017
L.NOKMAN KONYAK
S/O LT. WANGSHU KONYAK,R/O TIZIT TOWN,MON

VERSUS

STATE OF NAGALAND AND 6 ORS
KOHIMA

2:COMMISSIONER AND SECRETARY
HOME
N/L
KOHIMA

3:DEPUTY COMMISSIONER
MON NAGALAND
MON

4:ADDITIONAL DEPUTY COMMISSIONER
TIZIT
MON

5:HEAD DOBASHI
TIZIT
MON

6:THE MONYIN UNION
TIZIT TOWN
MON
MAGALAND
REPRESENTED BY ITS PRESIDENT
MR. WANGYIE KONYAK

7:SHRI. N. SHOMWANG @ SHOMWANG WANGHAM
S/O NOKZAM WANGHAM-CHIEF ANGH JABOKA VILLAGE
MON
NAGALAND

Advocate for the Petitioner : SUPU JAMIR, AREPLA CHANG,AKUM AIER,AKUM JAMIR,JENDEMO TSANGLAO,LAKNYEI PHOM,M. ATHAI,S REOPI,TONGPANG JAMIR,TONGPOK PONGENER

Advocate for the Respondent : GOVT ADV NL,

Linked Case : WP(C)/207/2016

L.NOKMAN KONYAK
S/O LT. WANGSHU KONYAK
R/O TIZIT TOWN
MON

VERSUS

STATE OF NAGALAND AND 5 ORS
KOHIMA

2:COMMISSIONER AND SECREATARY
HOME
N/L
KOHIMA

3:DEPUTY COMMISSIONER
MON NAGALAND
MON

4:ADDITIONAL DEPUTY COMMISSIONER
TIZIT

5:HEAD DOBASHI
TIZIT
TIZIT
MON

6:SHRI. N. SHOMWANG @ SHOMWANG WANGHAM
S/O NOKZAM WANGHAM-CHIEF ANGH
JABOKA VILLAGE
MON
NAGALAND

Advocate for : SUPU JAMIR

Advocate for : GOVT ADV NL appearing for STATE OF NAGALAND AND 5 ORS

Advocates:

For the Petitioner : Mr. Tongpok Pongener
For the State respondents : Mr. N. Angami, Sr. Govt. Advocate
For the respondent No. 5 : Mr. N. Mozhui [in WP(C)/88/2022]
For the respondent No. 6 : Ms. Apila Sangtam [in WP(C)/58/2017]

Date of **Hearing** : **17.03.2026**

Date of **Judgment** : **23.03.2026**

Whether the pronouncement is of the : --
operative part of the Judgment?

Whether the full Judgment has been : Yes
pronounced?

BEFORE

HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER

: JUDGMENT & ORDER (CAV):

This common judgment is passed in respect of WP(C)/207/2016, WP(C)/58/2017 and WP(C)/88/2022 as all the three petitions are arising out of the same facts and circumstances.

2. WP(C)/88/2022 has been preferred by the petitioner praying for quashing and setting aside the Special Enquiry Report dated 31.10.2014, the impugned Order dated 24.09.2018 and the impugned Letter dated 25.01.2020. The petitioner has also prayed for a direction to the State respondents to pay land compensation to the petitioner for the area of land covered by the 111 Nos. of allotments issued to settlers on the petitioner's special permit land by the district administration and further to direct the State respondents not to encroach on his land and desist from

issuing any more allotments on the land covered by the Special Permit dated 29.03.1971.

3. Heard learned counsel for the petitioner, Mr. Tongpok Pongener as well as Senior Government Advocate, Mr. N. Angami and also Mr. N. Mozhui for the respondent no. 5 in WP(C)/88/2022 and Ms. Apila Sangtam, learned counsel for the respondent no. 6 in WP(C)/58/2017.

4. The facts of the case in WP(C)/88/2022 as brought out in the pleadings of the petitioner is that the petitioner's late father, L. Wangshu Konyak, had been given a Special Permit for farm land at Tizit vide MEMO: No. 8487-90 dated 29.03.1971. The petitioner's father expired in the year 1974 leaving the petitioner a minor at that point of time. Taking advantage of the petitioner's minority, some people tried to encroach into the land covered by the Special Permit and the district administration evicted them by issuing a Memorandum dated 11.04.1975 upholding the Special Permit issued to the petitioner's father.

5. It is stated that with the passage of time, without the knowledge and consent of the petitioner, the district administration started issuing allotments to government departments and private individuals on his land and as the district administration remained silent to the objections raised by the petitioner through various representations, the petitioner submitted a representation to the Chief Secretary to the Government of Nagaland. Taking cognizance of the petitioner's representation, the Chief Secretary to the Government of Nagaland issued an Order dated 18.07.1996 highlighting the fact that the Special Permit for farmland at Tizit was issued to the petitioner's father in recognition of the assistance he had rendered to the administration and also for standing by the people in

times of difficulty and that without his or his successor's consent, no land should have been allotted to any person or the government offices. The letter further stated that the administration should always honor the commitment given by previous administrations in order to keep its image in the eye of the people and thereby directed the district administration Mon/Tizit to conduct a special enquiry and submit a detailed report.

6. The district administration failed to take any action on the Letter dated 18.07.1996, issued by the Chief Secretary to the Government of Nagaland. The petitioner therefore filed a writ petition, *i.e.*, WP(C)/204(K)/2012, which was disposed of by Judgment and Order dated 05.08.2014 with a direction to the Deputy Commissioner, Mon to hold a special enquiry as was directed by the Chief Secretary by Order dated 18.07.1996, within a period of three months and to forward the report to the Chief Secretary for passing necessary orders.

7. As directed by this Court vide Judgment and Order dated 05.08.2014, the special enquiry was conducted and the impugned report dated 31.10.2014 was submitted. The report held that the land covered by the Special Permit given to the petitioner's father measures 157.81 Acres, and that the district administration had issued 111 Nos. of allotment on the said land from 1988 till date. The Report also stated that the petitioner had also sold plots of land to private individuals and allotted plots to several private individuals and that in order to bring about an amicable settlement the petitioner be offered 200/300 sq.ft. of land presently occupied by him and also in recognition of the service rendered by his father, either a school or public hall in the locality be named after his father.

8. Thereafter, on 10.07.2015 and 31.07.2015, the petitioner and the district administration had several meetings regarding the Enquiry Report. No final order on the Special Enquiry Report was forthcoming, the petitioner was instead served with a copy of the impugned Order dated 24.09.2018, issued by the Deputy Commissioner, Mon whereby the Special Permit issued to his father on 29.03.1971 was cancelled. Also the impugned Letter dated 25.01.2020 was issued by the Principal Secretary, Home Department, Government of Nagaland directing the Deputy Commissioner, Mon to ask the Additional Deputy Commissioner, Tizit to convey to the petitioner that it will not be proper to allot the petitioner anymore land. Against the impugned Order dated 24.09.2018 and the impugned Letter of the Home Department dated 25.01.2020, the petitioner submitted a representation dated 10.03.2021 requesting setting aside of the impugned order and letter. However, no action has been taken on the petitioner's representation. Being aggrieved, the petitioner has come before this Court.

9. Learned counsel for the petitioner, Mr. Tongpok Pongener submits that this Court, by the Judgment dated 05.08.2014 passed in WP(C)/204(K)/2012, had clearly come to a finding that the claim of the petitioner regarding the Special Permit granted to the petitioner's father has not been disputed and that the issuance of an order dated 18.07.1996 to the district administration by the Chief Secretary is also not disputed and, accordingly, a direction was given to the Deputy Commissioner, Mon to conduct Special Enquiry as directed by the Chief Secretary in the Letter dated 18.07.1996 by this Court. Learned counsel submits that the letter of the Chief Secretary dated 18.07.1996 is very clear and unambiguous that

the district administration had given the land to the petitioner's father in recognition of the assistance rendered by him to the administration and also for standing by the people in times of difficulty and that without his or his successor's consent no land should have been allotted to any person or government department. The Chief Secretary's Letter dated 18.07.1996 also clearly enunciated that the administration should always honour the commitment given by previous administration to keep its image in the eye of the people. Therefore, the impugned Order dated 24.09.2018 and the impugned Letter dated 25.01.2020 are completely contrary to the Order dated 18.07.1996 and the Judgment and Order dated 05.08.2014. Learned counsel further submits that in the Judgment and Order dated 05.08.2014, this Court had directed the State respondents to take appropriate action to protect the rights of the petitioner and not to violate it. The issue involved in WP(C)/204(K)/2012 was whether the petitioner's complaint that the administration was illegally issuing allotments in the land given to the petitioner's father is a fact or not, and if true, to take remedial action on the matter. Therefore, the State respondents could not have cancelled the Special Permit under the facts and circumstances of the case.

10. Another submission made by the learned counsel for the petitioner is that the Special Permit dated 27.03.1971 issued to the petitioner's father is a perpetual and permanent land grant and cannot be cancelled at the whims and fancies of the State respondents. If the State requires any portion of the land, it may do so by acquiring it under the relevant provisions of land acquisition. Otherwise, the State cannot cancel the permit or take forceful occupation of the land at any time it desires. Also,

the State respondents have no authority to issue allotment in the land in question. The Special Enquiry Report having arrived at the finding that the district administration had issued 111 Nos. of allotments from 1988 till date; it was, therefore, incumbent upon the State respondents to award reasonable compensation to the petitioner in accordance with the provisions of the existing land acquisition act.

11. It is further submitted by the learned counsel for the petitioner that the Judgment and Order dated 05.08.2014 in WP(C)/204(K)/2012 specifically directed that upon receipt of the Special Enquiry Report from the Deputy Commissioner, Mon, the Chief Secretary shall pass necessary final orders within two months and, therefore, the Chief Secretary could not have delegated the duty imposed upon him to the Principal Secretary, Home Department, Nagaland and the Deputy Commissioner, Mon. Only the Chief Secretary and no other can pass a final order in the light of the order of this Court and the instant case is a classic example of abdication of power. It is further submitted that the Special Enquiry Report dated 31.10.2014, impugned Order dated 24.09.2018 and the impugned Letter dated 25.01.2020 are arbitrary and unreasonable and in clear violation of the petitioner's right to life. By cancelling the Special Permit, the State respondents in one swoop has taken away the only means of livelihood for the petitioner and his family.

12. The counsel for the petitioner has also drawn the attention of this Court to the Memorandum dated 11.04.1975 issued by the Circle Officer, Tizit, wherein the district administration had clearly upheld the Special Permit issued to the petitioner's late father and further allowed the petitioner to cultivate the whole plot of land as allotted to his father.

Therefore, the respondents cannot be allowed to blow hot and cold in the matter.

13. In view of the submissions made hereinabove, the learned counsel for the petitioner prays that the instant writ petition may be allowed and the impugned Special Enquiry Report dated 31.10.2014, the impugned Order dated 24.09.2018 cancelling the Special Permit of the petitioner and the impugned Letter dated 25.01.2020 written by the Principal Secretary, Home Department giving several directions to the Deputy Commissioner, Mon, including making allotment to the petitioner for the land measuring 0.67 Acres, which is under his actual possession, may be quashed and set aside.

14. Per Contra, learned Senior Government Advocate, Mr. N. Angami submits that in compliance to the judgment and order dated 05.08.2014, passed in WP(C)/204(K)/2012, a Special Enquiry Committee was set up and the Committee had submitted its report on 31.10.2014 to the Deputy Commissioner, Mon for onward submission to the Chief Secretary to the Government of Nagaland. This Special Enquiry Report was submitted after several rounds of meetings, verifications and examination of records with regard to the case and it was found that the Special Permit was found to be authentic; however, there was no record of any payment of revenue to the government. It was also found on physical verification that 111 Nos. of allotments had been issued by the district administration on the land covered by the Special Permit and it was also found that the petitioner had also sold out plots to 12 individuals. Learned Senior Government Advocate has stated that a careful perusal of the language in the Special Permit issued to the petitioner's late father shows that it was solely for

cultivation purpose. The Special Permit does not contain any provision showing that the land was allotted to the petitioner's father. However, the petitioner taking advantage of this Special Permit has over the years, disposed off a substantial portion of the land by giving it and selling to many private individuals/organizations without the consent of the Government.

15. Learned Senior Government Advocate submits that it is a pertinent and important factor that one Jaboka Village/respondent 5 had donated 1200 Acres of land in the year 1968 for establishing the Tizit town. And the Special Permit falls within the area donated by the Jaboka Village. Learned Senior Government Advocate, therefore, submits that the entire land in question belongs to the Government of Nagaland on account of it being donated by the Jaboka Villagers/respondent no. 5, who were the actual land-owners and it is from this donated land that a portion was given to the petitioner's deceased father by the district administration through the Special Permit for cultivation purpose only. It is specifically stated that the land was never allotted to the petitioner's late father and, therefore, the land in question belongs to the Government, and in view of the expansion and development of Tizit Headquarters and office establishments, the Government being the owner of the land has taken back the land for establishment of the headquarters. The petitioner has failed to show any document that during the lifetime of his father, the land was allotted to him. Nor has the petitioner produced any document showing that after the demise of his father, the land was mutated in his name or allotted to him by the Government. In the absence of any such allotment order issued in his father's name or his name, the petitioner has

no right to claim ownership over the land on the basis of a Special Permit issued for the purpose of cultivation.

16. The learned Senior Government Advocate further submits that in compliance of the Judgment and Order of this Court dated 05.08.2014 the Special Enquiry had been conducted and submitted to the Government and the Government of Nagaland has taken a decision on the matter and the same was communicated to the Deputy Commissioner, Mon by the Principal Secretary, Home Department vide Letter dated 25.01.2020 incorporating the decision taken by the Government. Therefore, the contention of the petitioner that the Chief Secretary, Government of Nagaland had abdicated his power is a baseless and immaterial submission.

17. Learned Senior Government Advocate, referring to the Judgment and Order dated 05.08.2014 passed in WP(C)/204(K)/2012 has submitted that the State respondents have fully complied with the direction of this Court. The Special Enquiry having been conducted by the Special Enquiry Committee, and the final Report having been forwarded to the Government and necessary final order being passed vide Letter dated 25.01.2020 by the Home Department, the direction of this Court in Judgment and Order dated 05.08.2014 has been fully complied with.

18. Learned Senior Government Advocate also submits that as per the findings of the Special Enquiry Committee, the Special Permit issued in 1971 did not stipulate any conditions for depositing revenue to the government unlike an allotment order. It was also found by the Committee that about 140 families are already settled in the area where the district administration has allotted 111 land allotments. The Special Enquiry

Committee also found that the original donors of the land was the Jaboka Village and it was further found that the petitioner had also sold out plots to 12 individuals on the said permit land without any consent from the Government. It was also found that there was no record of payments of revenue to the government in respect of the land covered by the Special Permit. The petitioner and the district administration had meetings on 10.07.2015 and 31.07.2015; however, no settlement could be arrived at between the parties. In the said meetings on 10.07.2015 and 31.07.2015, the petitioner had raised several demands and one of the demands which the district administration agreed in part was for renaming the present Industry Colony as 'L. Wangshu Colony' as and when differences are settled. The petitioner had written another representation to the Chief Secretary, Government of Nagaland on 05.03.2019 praying for settling the case once and for all. On the basis of the said Letter dated 05.03.2019, another survey was conducted by the district administration on 31.01.2020 and the report of the same was submitted to the Deputy Commissioner, Mon, Nagaland vide Letter dated 01.02.2020, which is Annexure-8 to the affidavit-in-opposition of the State respondents in WP(C)/58/2017. In the said survey, conducted on 31.01.2020, with the assistance of the Surveyor, Department of Land Record & Survey it was found that the total land covered by the Special Permit was 157.81 Acres. And the area occupied by the petitioner as on date is 0.67 acres consisting of his residence and fishery pond. The said Letter dated 01.02.2020 is reproduced herein below for ready reference:

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NO: JUDL/LR-1/2019-20/
Dated Tizit, the 1st Feb, 2020

To

The Deputy Commissioner,

Mon, Nagaland.

Sub:- **Special Permit for Farm Land at Tizit dated 29.03.1971 to Late. Wangshu Konyak, Reg.**

Ref: **W.P(C) No. 58(K) of 2017, L. Nokman - Vrs - State of Nagaland and Others.**

Sir,

In reference to the Home Department letter No: GAB-14/COURT/167/2019 Dated Kohima the 27th Jan, 2020 and as directed by the authority, survey was conducted on the 31st of Jan, 2020 with the assistance of Surveyor, Department of Land Records and Survey, Mon and the DBs of Tizit.

Detailed survey report with respect to the land under Special permit as sought by the Home Department is provided as per the format requested.

1.	Total land as per the survey	157.81 acres
2.	Allotted to Govt. Deptts/Offices by the office of ADC Tizit	0.9280 acres
3.	Allotted to private individuals/organizations by the office of ADC Tizit	38.0014 acres
4.	Allotted to private individuals/organizations by the office of ADC Tizit and the plots are presently vacant with no construction carried on it	4.43 acres (The area which are vacant and where 12 permit had been issued by the office of ADC Tizit)
5.	Sold/given to private individuals/organizations by Shri. L. Nokman Konyak and permits obtained for the same from the office of ADC Tizit	76.912 acres
6.	Sold/given to private individuals/organizations by Shri. L. Nokman Konyak and no permits obtained from the office of ADC Tizit.	17.548 acres (Shri. L. Nokman Wangshu's residence and his fishery pond measuring 0.67 acre is

		also within this area)
7.	Sold/given to private individuals by Shri. L. Nokman Konyak and permits taken but the plots are presently vacant with no construction carried out on it	NIL (No vacant plots. All plot developed into paddy field/Tea garden/brick kiln etc).
8.	Sold/given to private Individuals by Shri. L. Nokman Konyak and no permit taken and the plots are presently vacant with no construction carried out on it	0.2295 acres
9.	Plots occupied by private individuals/organizations and not sold/given by Shri. L. Nokman Konyak and permits also not given by the office of ADC Tizit	0.5171 acres
10.	Vacant plots and not sold/given by Shri. L. Nokman Konyak and no permit given by the office of ADC Tizit	7.674 acres
11.	Circular road & drainage	16 acres

* The total area claimed by Shri. L. Nokman Wangshu to arrive at out of Court settlement is 5.1 acres out of which 4.43 acres is presently vacant with no construction and 12 permit has been issued by the office of the ADC Tizit and the remaining 0.67 acres is his residence and fishery pond.

The surveyed report is therefore submitted for your kind information and further necessary action please.

Yours sincerely,

Sd/-

(PAKON PHOM) NCS

Additional Deputy Commissioner,
Tizit : Nagaland."

19. From the aforementioned Survey Report it is seen that the petitioner has already sold 76.912 Acres from the Special Permit land. And at present, the remaining 0.67 Acres is the petitioner's residence and fishery pond. Learned Senior Government Advocate also submits that the Letter dated 01.02.2020 has also not been assailed. However, the Letter dated

01.02.2020 has not been assailed by the petitioner. Be that as it may, learned Senior Government Advocate submits that the petitioner has now been allotted the plot of land measuring 0.67 Acres presently occupied by him vide Order No. Judl(Land)-2//2012-13 dated 25.02.2020. This allotment order has also not been assailed by the petitioner which goes to show that he has accepted the allotment given to him.

20. Learned Senior Government Advocate submits that the Special Permit given to the petitioner's late father did not confer any title to the land on him. Further, assuming but not admitting that the petitioner's father had acquired any title over the land covered by the Special Permit, after the demise of the petitioner's father, the title was never transferred to the petitioner. Further, the learned Senior Government Advocate submits that this Court in a writ petition under Article 226 of the Constitution cannot decide title over land.

21. Learned Senior Government Advocate relies on the following judgments in support of his submissions:

(i) ***Naseem Kahnem and Others Versus Zaheda Begum (Dead) by Legal Representative*** reported in ***(2024) 7 SCC 245***,

(ii) ***Asha Versus PT. B.D. Sharma University of Health Sciences and Others*** reported in ***(2012) 7 SCC 389*** and

(iii) ***G. Srinivas Versus Govt. of A.P & others*** reported in ***(2005) 13 SCC 712***.

22. Learned counsel, Mr. N. Mozhui appearing for the respondent no. 5, by adopting the submissions of the learned Senior Government Advocate further submits that the respondent no. 5/Jaboka Village had donated 1,200 Acres of land in the year 1968 to the Government for establishment

of the Tizit town headquarters and the same was affirmed by executing an agreement on 13.06.1978. He has further submitted that a permit can never be inherited. Only a patta can be mutated and transferred. However, the permit is not transferable and a permit being in the form of a license shall stand extinguished upon the demise of the original permit holder or the license holder. Therefore, it cannot be said that the petitioner had inherited the permit from his late father. Learned counsel submits that the respondent no. 5 Village had submitted a complaint to the district administration on 25.09.2014 against the allotment of Special Permit to the petitioner's late father in the land donated by them. And moreover, the Tizit Town Public Union had also submitted similar complaint vide Letter dated 30.10.2014.

23. In view of the submissions made hereinabove, the learned Senior Government Advocate as well the learned counsel for the respondent no. 5 submits that the petitioner has not been able to make out a case for invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, and, therefore, prays that the petition may be dismissed.

24. This Court has considered the submissions of the counsels for the parties and has perused the pleadings as well as the authorities relied upon.

25. The entire case of the petitioner arises out of the Special Permit given to his late father on 29.03.1971 by the Additional Deputy Commissioner, Mon Sub-Division, Nagaland. A bare perusal of the Permit shows that it is a conditional permission given by the district administration, allowing the petitioner's father to use the land solely for

cultivation purpose. In fact the Permit dated 29.03.1971 was akin to a license. The word 'license' is defined under Section 52 of the Indian Easements Act, which reads as under:

"Where one person grants to another, or to a definite number of other persons, a right to do, or continue to do, in or upon the immovable property of the grantor, something which would, in the absence of such right, be unlawful and such right does not amount to an easement or an interest in the property, the right is called a license."

The aforesaid definition of the word 'license' makes it clear that no interest in the immovable property is created by grant of license. It is only a permissive occupation given to the licensee to use the immovable property for a particular purpose. A license being a matter purely personal between the grantor and the grantee, the same is neither heritable nor transferable. The permit did not confer any ownership or title on the petitioner's father over the land covered by the Special Permit. In other words, the permit holder is merely a licensee, not an owner or tenant. The permit to cultivate gives only a temporary right to use the land. On the other hand, if the Special Permit was made through an order of allotment it would have conferred a legal right or interest over the land. However, a mere permission or license like the Special Permit granted to the petitioner's father was for a special reason, *i.e.*, permit to cultivate. It is, therefore, nothing transferable and nothing heritable as a 'permit to cultivate' is merely a personal license granted to a specific individual and has not created any right, title or interest in the land. Just as a license ends with the death of the licensee, such a permit would have ended with the death of the petitioner's father. The permit/license would automatically lapse and terminates when the holder dies and legal heirs do not get any vested right, unless there is a condition in the permit itself which explicitly

allows succession or regularization in favour of legal heirs or if the district administration/government had formally renewed the permit in the petitioner's name or converted the permit into an allotment or lease.

26. This Court is of the view that the petitioner cannot, merely on the basis of a permit to cultivate given to his late father, claim ownership of the land, more so when he is not even the permit holder. The petitioner cannot raise the issue of adverse possession either as the possession started with government permission and therefore it is not hostile possession. A reading of the Special Permit dated 29.03.1971 also does not show that it was actually a disguised allotment. The State respondents have also categorically stated in their affidavit that neither the petitioner's father nor the petitioner had been paying any revenue in respect of the Special Permit land which is not denied by the petitioner. As held by the Hon'ble Supreme Court in the case of *Naseem Kahnani (Supra)*, "it is a well-settled principle of interpretation that in the interpretation of a deed, the question is not what the parties to the deed may have intended to do by entering into that deed, but what is the meaning of the words used in the deed. The Court can understand the true intent of the deed only by the words used in the deed. It does not matter what the parties, in their most state of mind, thought what the terms meant. They may have meant different things, but still the terms or the language used in the deed should bind them. It is for the court to interpret such terms or language used in the deed". In the present case, the words used in the Special Permit dated 29.03.1971 clearly indicates that it was purely for cultivation purpose and it was never an allotment of land.

27. Also in the case of *Asha (Supra)* the Hon'ble Supreme Court has held that it is a settled principle of the law of pleadings that an averment made by the appellant is expected to be specifically denied by the replying party. If there is no specific denial, then such averment is deemed to have been admitted by the respondent. It is seen that the petitioner has not filed any reply to the affidavit-in-opposition filed by the State respondents. Further the petitioner has now been allotted the plot of land measuring 0.67 Acres presently occupied by him vide Order No. Judl(Land)-2//2012-13 dated 25.02.2020. This allotment order has not been assailed by the petitioner which goes to show that he has accepted the allotment given to him.

28. In the Judgment and Order dated 05.08.2014 passed in WP(C)/204(K)/2012 paragraphs 1 to 5 are only the narration of the pleadings made by the petitioner in the writ petition and it is not the finding of the court. The direction is contained only in paragraph no. 6 of the Judgment and Order which has been complied with by the state respondents. In the facts and circumstances as discussed above, this Court finds that the petitioner has not been able to make out a case to invoke the jurisdiction of this Court under Article 226 of the Constitution of India and the petition being devoid of merit is dismissed.

29. In WP(C)/58/2017, the petitioner has assailed an alleged illegal land permit dated 15.05.2011, which is not annexed in the writ petition. The petitioner has also assailed a Vacation Order dated 13.04.2017 issued to one Mr. Wangdun Konyak. As the aggrieved person, Mr. Wangdun Konyak is not before this Court in WP(C)/58/2017 and the impugned land permit dated 15.05.2011 is not annexed in the petition WP(C)/58/2017 is dismissed as not maintainable.

30. In respect of WP(C)/207(K)/2016, the petitioner had prayed for quashing and setting aside the impugned restraining order issued to seven persons dated 15.01.2015 and 12.10.2016 vide impugned Order dated 20.10.2016. However, in WP(C)/207(K)/2016 also, the seven aggrieved persons are not before this Court. Therefore, WP(C)/207(K)/2016 is also dismissed as not maintainable.

31. The Writ petitions are disposed of accordingly.

JUDGE

Comparing Assistant