
(1995) 03 GAU CK 0012
In the Gauhati High Court
Case No : First Appeal No. 4 (K) of 1994

Yapie Kehie

APPELLANT

Vs

Satuo

RESPONDENT

Date of Decision : 31-03-1995

Acts Referred:

Citation : (1995) 2 GLJ 457

Hon'ble Judges : W.A.Shishak, J

Bench : Single Bench

Advocate : Taka Masa Ao, L.S.Jamir, C.Jajo, Achung, Advocates appearing for Parties

Judgement

1. This appeal is directed against several orders passed by Western Angami Elders and GBs on 4.3.72, order passed by Circle Officer, Zubaza on 30th April, 1982, order passed by Sessional Secretaries and Sessional Chairman on 10.11.86, final order passed by the Deputy Commissioner, Kohima on 18.5.89 and order passed by the Angami Public Organisation on 8.3.94.

2. The dispute relates to land and is between 2 (two) villages, viz, Mezoma Village (appellant) and Sechuma Village (respondent). In spite of the fact that the first order was rendered on 4.3.72 by the GBs and other village elders of the area, declaring the dispute land to be of Sechuma Village, which was followed by series of other judgments as mentioned above, the villagers of these 2 villages are still agitating the matter. On persual of the above orders, it appears to me that the appellant has lost in every attempt inasmuch as all the impugned orders have gone against the appellant village. On careful perusal of the order passed by the learned Deputy Commissioner, it appears the dispute was finally settled. Upon careful perusal of the impugned orders, it appears every other subsequent authority has upheld the decision rendered by the Village GBs and Elders of the Western Group, obviously because of the fact that persons who had intimate knowledge of the local situation, custom, nature of dispute and the location of the land etc had decided the dispute as a grass roots authority.

3. Strangely the appellant filed appeal before Circle Officer at Zubza. Although appeal as such could not have been filed before Circle Officer under the provision of Rules for the Administration of Justice, the learned Circle Officer also examined the matter and upheld the decision made in 1972. The appellant village approached the EAC, Sechu to hear the matter again. In this attempt also the appellant village failed. On 17.12.88 the appellant village filed an appeal before the learned Deputy Commissioner, Kohima, challenging the decision rendered by the Western Angami GBs and Elders on 4.3.72 and all other orders subsequently passed by Circle Officer EAC etc. It may be stated here that it was the appellant village which approached the various Courts in that area. As stated above the appellant village failed to obtain favourable orders. As such the appellant village took grievance against the decision rendered by the Court below.

4. It is about 23 years since the first order in this case was rendered by the Western Angami GBs and Elders on 4.3.72. It is not the case of the appellant that they did not recognise this forum of Western Angami GBs and Elders when the matter was adjudicated upon by this forum. No doubt the appellant village was aggrieved by the decision rendered by the said authority. However, the appellant village cannot take the grievance that the said authority had imposed jurisdiction on the appellant village. No such grievance was taken even subsequently.

5. In fact the appeal has been preferred mainly against the order of Angami Public Organisation passed on 8.3.94. In this case also it may be stated that the appellant had already appeared before the said authority and in fact the appeal was preferred by the appellant. No doubt the order has gone against the appellant village inasmuch as the earlier orders passed by other authorities have been accepted by the Angami Public Organisation. It may also be stated that the appellant filed appeal before EAC, Zubza in 1986 against the earlier order dated 4.3.72 passed by the Western Angami GBs and Elders. As stated above when the appellant village failed to obtain any favourable orders for the 6th time, the appellant village preferred another appeal before the learned Deputy Commissioner, Kohima in 1988 and that also against the order which had been rendered in 1972. In this view of the matter when the appellant village approached the Angami Public Organisation, it was the 7th appeal and in this appeal also the grievance was against the order passed in 1972.

6. Ms. C. Jajo, learned counsel for the appellant submits that Angami Public Organisation is not a judicial body constituted under the provisions of law, hence any decision rendered by it is not tenable in the eye of law. As such it is submitted that the order passed by Angami Public Organisation on 8.3.94 is liable to be set aside. I have heard Mr. K. Meruno, learned counsel who appears on behalf of the respondent village. It appears the submission made on behalf of the appellant in this regard has force. However, this does not solve the problem. At the same time it was the appellant village which approached the Angami Public Organisation for adjudication. In fact on careful perusal of Deputy

Commissioner's order passed on 18.5.89, no appeal as such would lie before any other Court inasmuch as a final had been rendered by the learned Deputy Commissioner after taking into consideration all the circumstances which led to the present dispute. Therefore, even if the order rendered by the Angami Public Organisation is set aside, the parties would still be bound by the order passed by the learned Deputy Commissioner in 1989. The order passed by the learned Deputy Commissioner on 18.5.89 is a very reasoned order. I see no infirmity in this order. In view of the clear findings of the learned Deputy Commissioner, I am of the view that I do not need to narrate the facts of the case in a greater detail than what has been done by the learned Deputy Commissioner. In other words I am of the view that the order passed by the learned Deputy Commissioner is the final order in the present dispute. It appears it was fair enough on the part of the learned Deputy Commissioner to accept the appeal filed by the appellant village as late as in 1988 against the order passed in 1972.

7. Appellant prays that the entire matter should be allowed to be opened up in the form of denovo trial. It appears in the facts and circumstances of the present case, to do so will not be in the best interest of the administration of justice in our land. It is not the case of the appellant that the appellant did not have adequate opportunities to agitate the matter. In fact the appellant has done what it could during the last 23 years or so and it is time now that the matter should be laid to rest. In other words there is no justification for reopening the entire issue which was already settled in 1972. In my view, the matter has been heard and finally decided. It should not be reagitated. It may be emphasised that public policy requires that the same question or issue should not be allowed to be raised again and again. Every litigation has to come to an end. A matter which has been finally settled should not be allowed to be unsettled by reagitation of the same issue inasmuch as to allow a denovo trial would clearly go against public policy.

8. In the result this appeal is rejected. I hold that the order passed by the learned Deputy Commissioner, Kohima on 18.5.89 is the final order and the parties shall be bound by this order.

9. Keeping in view good relationship that should exist between the villages, I pass no order as to costs. Appeal is disposed of.