

GAHC030003572026



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

Case No. : WP(C)/64/2026

Dithanga and Anr.
S/o Dengkhuma (L)
R/o Chhingchhip Venghlun,
Serchhip District, Mizoram 2: Malsawm

VERSUS

The State of Mizoram r/b Secretary, Home Department
Secretariat Main Building, MINECO,
Khatla, Aizawl,
Mizoram - 796001 2:The Deputy Commissioner/District Magistrate

3:The Superintendent of Police

4:The Officer-in-Charge

5:The Officer-in-Charge

6:The Village Council/Court r/b its President Lalremsanga

7:The Young Mizo Association (YMA) r/b its President H. Lalchhandama

8:The Mizoram Upa Pawl r/b its President Lalnuna

9:The Mizo Hmeichhe Insuihkhawm Pawl r/b its President Laldinpuii Kiangt

Advocate for the Petitioner : Mr. T Lalnunsiana

Advocate for the Respondent : GA, Mizoram for R. 1 - 5

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO
ORDER**

Date : 07-09-2026

Heard Mr. J.H. Ricky Lalruatfela, learned counsel who appears on behalf of Mr. T. Lalnunsiam, learned counsel for the petitioners. Also heard Ms. Lalnunhlui, learned Government Advocate appearing for respondent Nos. 1 to 5. None appears for the remaining respondents.

Office Note dated 02.09.2026 indicates that A/D card has not been received back from respondent Nos. 6 to 9.

On 25.05.2026, Court passed the following order:-

“Heard Mr. T. Lalnunsiam, learned counsel for the petitioners, who submits that the petitioners are husband and wife. They both reside in their own house in Chhingchhip village in the district of Serchhip. They are aggrieved with the action of the respondent Nos. 6 to 9 in locking their house on 13.05.2026, in view of the allegation that the petitioners were in possession of four (4) litres of country made liquor. Referring to the notice given to them, Mr. T. Lalnunsiam, learned counsel submits that as per the resolution of the NGO Joint Committee, they have taken a decision that if anyone is caught selling liquor for three (3) consecutive time, their property/house shall be kept under lock and key. He also submits that apart from keeping the house of the petitioners under lock and key, the petitioner No. 1 has been taken into judicial custody for alleged possession of the country made liquor.

The learned counsel submits that the respondent Nos. 6 to 9, have no authority to take such action, as the same infringes upon the Fundamental Rights of the petitioners. He submits that if any of their action is in conflict with law, the same has to be dealt with in accordance with law and not in the manner it has been done.

At this stage, Ms. Lalnunhlui, learned Government Advocate, submits that a meeting was held on 19.05.2026 in the Office of the Superintendent of Police, Serchhip where the SP asked the NGOS to open the house of the petitioners, as it violated the rights of the petitioners. She submits that as per the instructions she has received, the house of the petitioners have now been opened by the NGOs.

In view of above, issue notice of motion, returnable by two (2) weeks.

Ms. Lalnunhlui, learned Government Advocate, Mizoram, accepts notice on behalf of the respondent Nos. 1 to 5.

Petitioners to take steps for service of notice upon the respondent Nos. 6 to 9 by speed post within a period of three (3) working days.

Having regard to the projection made by the petitioners, the official respondents shall ensure that the house of the petitioners is opened, if not already opened. The respondent Nos. 6 to 9 to show cause as to under what authority they have taken such an action.

List the matter again after two (2) weeks."

Today, Mr. J.H. Ricky Lalruatfela, learned counsel, on instructions submits that the petitioners are now residing in their residential house peacefully without any disturbances and under the circumstance; the petitioners would not like to press the matter.

It may be seen that the reason why the petitioners had approached this Court was on account of their house being kept under lock and key by the NGOs joint committee on account of the petitioners having been found to be in the possession of some quantity of country made liquor.

Ms. Lalnunhlui, learned Government Advocate submits that as per the

instructions she had received earlier, the District Administration had taken necessary steps by organizing a meeting on 19.05.2026 and pursuant to which, the house of the petitioners had been opened.

Be it stated herein that the State Government has enacted the Mizoram Liquor (Prohibition) Act, 2019 (Act of 2019) to regulate prohibition of liquor. If the petitioners have violated the provisions of Act of 2019, it would be incumbent upon the respondent authorities concerned to act in accordance with the Act of 2019 and the Rules framed there under. The local NGOs may assist the law enforcing agencies in carrying out the purpose of the Act of 2019 but it would be not permissible for them to take the law into their own hands, such as, keeping the house of the alleged law breaker under lock and key, such as the petitioners in this case. Therefore, the District Law Enforcement Agency will have to ensure that such an act do not recur in the future.

The writ petition stands closed with the above observation.

JUDGE

Comparing Assistant