

To,

**Mr Relo Aye,
Addl. SP, Kohima,
The Investigating Officer,
North PS, Kohima Nagaland.**

Sub: Submission of Written Statements in Response to Vexatious FIR dated 27-05-2023 Filed by the NSF.

Sir,

May we, the undersigned, have the utmost privilege to state the following for your kind consideration and necessary action:

1. That it has been reliably learnt that one FIR dated 27-05-2023 was filed by the Naga Student's Federation alleging that their office premise and Building has been damaged on the early hours of 27-05-2023 by unknown miscreant.

2. That the land on which the NSF Office is established on a rental basis along some other adjacent Buildings where other shops/offices/printing press were established was given to the Naga Club through the benevolence act of Kohima Village Council (KVC). It is pertinent to state that Naga Club was established on 7th Jan. 1918. Thereafter, vide Ref.No.NSF/Corres/2/83-85 dated 04-04-1983 (**ENCLOSURE-A**) written by their then President NSF requested for the utilization of the Naga Club Building as their Office. Accordingly, vide Order dated 07-04-1983 (**ENCLOSURE-B**) it was agreed that NSF shall be tenant of the Naga Club Building for a monthly rent of Rs.500/-. However, excepting for the first month (i.e. April 1983) no proper rent has been paid by NSF to the Naga Club thus far for 40 years. It may be noted that during the life time of Shri. Vilavor Liegise the General Secretary, Naga Club whenever demand for rent was made, a mere Rs.50/- & Rs.100/- were paid citing that they don't have money which is a heinous insultation and mockery to our elders. Despite that the Naga Club continued to keep the NSF as tenant for about 40 years thus far considering the issue as familial father-son relationship.

3. That all those decades ago, the Naga Club Building was built with the purpose to unite the Nagas without borders by providing free accommodation and facilities to the Nagas coming from the remotest regions of the Naga inhabited areas so as to get to know each other better and to cooperate as brothers and sisters as a people and a community. Your

benign authority is well aware that things back then were not as they are these days including the political scenario, economic status and general development. However, the noble objective of our erudite forefathers is completely distorted by the NSF by converting the Naga Club Building and plot into a commercial establishment and by collecting rents from various tenants behind the back of the Naga Club for all these years. As such Kohima Village Council, the traditional land owners who donated the plot came heavily on them that no one shall distort the Naga Club history vide Letter dated 11-02-2023 **(ENCLOSURE-C)**. The historic legacy passed down to us by our educated and erudite forefathers like Shri. Rheichalie Pienyü and others of the then DC's Office must not be distorted, values of our forefathers must come alive in us so as to survive and thrive from the hated and notorious parasitic Naga society severely suffering from Delhi dependency syndromes to become a dignified people with self-respect.

4. That when a person of exemplary standing such as Shri. KruroviPeseyie was elected as President Naga Club in 2017/18, the NSF refused to have meeting with his team and his predecessors till date citing that their meeting with the Naga Club would legitimize and recognize the Naga Club as though we were seeking recognition from them is a great insultation. Perhaps things could have been different if the NSF had sat down with the Naga Club then.

5. That in 2018 when Naga Club was to observe Centenary, Shri. Kewezü Mero, the only existing Joint Secretary cum Caretaker of the Naga Club since 1982 had sent Greeting Message to Shri. KruroviPeseyie's team. However, some people threatened Shri. Kewezü Mero with dire consequences to withdraw his Greeting Message which he accordingly did. It was only after some tall Chakhesang public leaders approached Shri. Kewezü Mero that he again withdrew his withdrawal letter which created such a huge confusion and misunderstanding amongst our Naga people.

6. Further, in 2018 the year of Centenary, in order to commemorate the same, a monolith was decided to be erected at the Naga Club Building site. However, on several occasions NSF obstructed the erection of the monolith at the Naga Club Building site by mobilizing innocent school and college students against the Naga Club who were absolutely unaware of the actual story, but were blindly following their leaders. Tense situation beyond our apprehension developed on some few occasions whereby likelihood of bloodsheds between the Naga Club and our children occurred. By the grace of God, it was then that some members of the Lotha tribe came forward offering the Naga Club monolith to be erected at Wokha; also, some members from the Sumi community came forward offering the monolith to be erected at their area; also came Jotsoma villagers offering the monolith to be erected at their village. The Naga Club after considering that a native of Jotsoma village ZasibeitoNagi who was the first martyr to die for the Naga political cause decided that the monolith shall be erected at Jotsoma. Accordingly, the monolith was erected at Jotsoma on 29-11-2018 near ZasibeitoNagi's tomb **(ENCLOSURE-D)**.

7. That on 24-11-2020 and 20-10-2021 (**ENCLOSURES-EI & E2**) the Naga Club wrote to the NSF to have a meeting regarding the Naga Club Building. However, the NSF never turned up neither did they pay the rent. Hence, after patiently waiting for 6-7 years requesting the NSF to have a meeting vide Ref.No.NC.NSF/VNNCB-01/2022 dated 12-07-2022 (**ENCLOSURES-F1 to F4**) the Naga Club served eviction notice to the NSF. Then again without vacating the premise, the NSF instead issued clarification in the local dailies which was published on 25-07-2022 (**ENCLOSURE-G**) laden with incorrect facts and misleading narration. It is stated that before the occupation by the Forest Dept, the Naga Club Building was also utilized by the NNC. Thereafter, the Forest Dept came and occupied the Building as tenant. It is pertinent to state that the Forest Dept paid all its rent to the Naga Club. After Forest Dept vacated the Naga Club Building the NSF was granted tenancy by considering the aforesaid Application dated 04-04-1983 at a monthly rent of Rs.500/-.

8. That again vide Ref. No.NC-NSF/GS-NCB/1-2023 dated 06-03-2023 (**ENCLOSURE-H**) the Naga Club served vacation notice to the NSF. However, it was not adhered to. As such vide Ref. No.NC/DC-1-23 dated 19-05-2023 (**ENCLOSURES-I1 & I2**) the Naga Club wrote to the Deputy Commissioner, Kohima on the subject "Clarification on Naga Club plot of land near Old Secretariat Complex, Kohima".

9. That some of the occupants of the Naga Club Building such as Japfü Printing Press, Mero Tea Stall, Kewezü Mero quarter of 4 – 5 rooms on being asked to vacate the Naga Club Building, did the same. As such those empty houses and rooms were demolished about three weeks ago. However, since the place is in the middle of the heart of the town and heavy machinery/vehicle is required to dispose the debris, it was decided that in order to avoid public inconvenience the same shall be removed in the early hours of 27-05-2023. It may be noted that the vacation notice was also served to the remaining shops and establishments, besides informing them the same in person, but they did not vacate the Building. Some of them requested for extension of time to vacate the Building which the Naga Club agreed. However, despite the lapse of the extended time the Building was not vacated. Pertinently, it is stated that the Naga Club did not keep any other tenant in the Building except NSF.

10. Accordingly, some youths were entrusted to dispose the debris of the already demolished Building in the early hours of 27-05-2023. Meantime, those shops and establishments who did not vacate the Building despite eviction notice being served upon them, the Naga Club entrusted the youths to demolish the structure on 27-05-2023 so that the debris shall be removed on the same day without creating public inconvenience. Therefore, the question of vandalizing public property or criminal trespass by unknown miscreant as alleged by the NSF does not arise. It is expected that the NSF being a highly respectable organization which has produced many tall Naga leaders over the years shall act in an honest, fair, transparent and reasonable manner. It is stated that the undersigned are not miscreants, but bona-fide owner of the land and Building. Rather, it is the NSF that is in unlawful and forced occupation of the Naga Club Building since the eviction notice was issued.

11. Imagine that you own a Building with several flats. Your Building was used as a Morung for the collective good of the Naga people, and for hosting travellers from

distant villages that fostered unity and brotherhood, and for many meetings that later on shaped the political course of your society. The times and situation became politically turbulent and because of the hostile military actions, you couldn't reside in your Building nor make use of it for further meetings or host travelling guests. The armed forces took control of your Building forcefully and illegally and later handed it over to its benefactor, the state Govt. who accommodated the Forest dept. When the Forest dept moved out of the Building and before another dept moved in, because the situation was not conducive for you to move into your Building, you ask a younger trusted fellowman to lock the Building on your behalf at your direction. That fellowman requested to rent a flat in your Building and live as a tenant. You agreed. That tenant doesn't pay rent for about 40 years, but you still allow him to stay because you consider him as a younger fellowman and also because both of you work for the welfare of the same people. Now over time your Building grows old and is severely dilapidated and has undergone severe depreciation and you want to demolish and rebuild it. You made repeated requests to the tenant to vacate but the same tenant refuses to move out or refuses to meet you for discussions. Not only did he not move out, but he also claims to be the custodian of your Building which is highly unlawful and immoral as a defaulting tenant. Over and above that, he even tries to make a land Patta by transferring your ownership into his own name, but which the lawful Govt authorities refused stating that the Building and the land belong to you. So, in your case, the tenant becomes the custodian (chowkidar) of your Building and even tried to usurp and take ownership of your Building and the land.

12. You have been asking for a meeting with this tenant for 6-7 years but he refuses to meet you stating that it would legitimize your ownership of your property. You communicate your noble intentions clearly that you want to rebuild your Building not for your benefit but for the greater good of the Naga people more particularly for the coming generations as it had served in the past, and also to build a modern Building befitting the stature and the rich legacy that the Building has contributed to serve the Nagas and to commemorate and preserve the legacy of those moments of the Naga history. Still the tenant remains obstinate and refuses to vacate. Furthermore, you also learn that the same tenant has started sub-renting other parts of your Building and even made some additional illegal construction around your Building and realizing the rent for his self. In the course of time, you reach a prominent landmark of centenary in your life and want to erect a monolith near your Building to commemorate it. But the tenant does not permit you to do so. How would you as the legitimate owner feel about your Building, and your tenant? This is exactly the situation wherein, the Naga Club as the owner and the NSF as the tenant, are in.

13. The assertion of ownership of the Naga Club Building is neither to claim it as a property for personal gain of the office incumbents nor for any tribe as had clearly been pronounced by A Kevichusa, and reiterated by the Naga Club, but to take the responsibility of rebuilding the Naga Club Building into a monumental multi storey complex befitting the priceless legacy of the Nagas and give it back to the people, to let it serve as a common Naga property just as it had been in the past, thereby restoring its past rich legacy, and to bring all Nagas together under one roof for better understanding and cooperation to usher societal harmony for peace, development and progress for the greater good of the

society and of which the NSF and many other organisations were, and are, and will be very much a part of the shared legacy.

14. Only those who are against the interest of the Nagas will oppose such a move to bring all the Nagas under one roof. In pursuit of this noble purpose, the land Patta, the Building construction permit, construction committee, the finance committee etc are all set in place and ready for the task. We still hope that if the NSF truly stands for the interest of the Naga people, they will shed their misgivings and apprehension whatsoever it may be, and try to understand this benevolent vision and be a part of the mission instead of obstructing the noble initiative for the collective good of all Nagas.

15. In the premises aforesaid, it is stated that the FIR dated 27-05-2023 filed by the NSF is malicious, baseless, misconceived and misleading. Be that as it may, the present issue between the NSF and Naga Club is a civil issue competent to be tried and decided by a Hon'ble Civil Court having jurisdiction. It is pertinent to state that the matter now is lying pending in the Hon'ble High Court of Guwahati, Kohima Bench Nagaland. The practice of giving a criminal cloak to cases of civil nature has time and again been severely deprecated and highly condemned by the Hon'ble Supreme Court and the Hon'ble High Courts across the country. Further, the dispute is regarding immovable property as such filing of FIR for offences under IPC is misconceived as the said statute is ill-equipped for deciding such cases. Therefore, it is requested that your benign authority may not take cognizance in the case so as to allow the matter to be resolved in an appropriate court of law or before an appropriate forum.

Thanking you.

Yours Sincerely,

Anticipatory Bail Holders from Hon'ble High Court of Guwahati are:

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| 1. Kuolachalie Seyie
President, NC | 2. K. GwaniloHimb
Secretary, NC | 3. Adv. KhriediTheünuo,
Chairman, Working
Committee (WC) NC |
| 4. Dr Viketoulie Pienyü,
Gen. Secy. WC NC | 5. Prasielie Pienyü,
Chairman, Descendant
Signatories of Simon
Commission | 6. Neizonyü Robert Solo,
Member, WC NC |

