

GAHC040000862023



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

Case No. : WP(C)/20/2023

Tanga Gamlin
S/o Lt. Karya Gamlin,
Permanent Resident of Village Tirbin, PO and PS Tirbin, District Leparada, Arunachal Pradesh.
Ph. 9503914940

VERSUS

THE STATE OF AP and 9 Ors.
Represented by the Chief Secretary, Govt. of Arunachal Pradesh, Itanagar.

2:The Secretary
Age: 0
Occupation :
Department of Land Management
Govt. of Arunachal Pradesh
Itanagar.

3:The Director
Age: 0
Occupation :
Department of Land Management
Govt. of Arunachal Pradesh
Itanagar.

4:The Deputy Commissioner
Age: 0
Occupation :
District Leparada
Basar
Arunachal Pradesh.

5:The Extra Assistant Commissioner cum Estate Officer

Age: 0
Occupation :
Tirbin
District Leparada
Basar
Arunachal Pradesh.

6:The Executive Engineer
Age: 0
Occupation :
PWD Highway Division
Basar
District Leparada
Arunachal Pradesh.

7:M/s Shivalaya Construction Company
Age: 0
Occupation :
Camp Tirbin
Leparada District
Arunachal Pradesh.

8:THE UNION OF INDIA
Age: 0
Occupation :
Represented by the Secretary
Ministry of Road and Highways
Bhawan No. 1
Parliament Street
New Delhi 110001

9:The Secretary
Age: 0
Occupation :
Ministry of Road
Transport and Highway
Bhawan 1
Parliament Street
New Delhi 110001

10:National Highway Authority of India (NHAI)
Age: 0
Occupation :
New Delhi
G 5 and 6
Sector 10
Dwarka
New Delhi

Advocate for the Petitioner : Ninnong Ratan, Duge Soki, K Loya, Tamo Taggu, Jumge Karbak, Tummin Ete, Jartum Gadi, Yommar Loyi, N Doji

Advocate for the Respondent : GA (AP), G Loyi, Likha Moriam, M Deori, Ojing Pada, Dugmar Kamduk, SC (Land Management), Elina Perme

Linked Case : **WP(C)/21/2023**

Pee Tasar

Age: 48

Occupation :

Address: S/o Lt. Tapi Tasar

Permanent Resident of Village Tirbin

PO and PS Tirbin

District Leparada

Arunachal Pradesh.

VERSUS

THE STATE OF AP and 9 Ors.

Age: 0

Occupation :

Address: Represented by the Chief Secretary

Govt. of Arunachal Pradesh

Itanagar.

2: The Secretary

Age: 0

Occupation :

Address: Department of Land Management

Govt. of Arunachal Pradesh

Itanagar.

3: The Director

Age: 0

Occupation :

Address: Department of Land Management

Govt. of Arunachal Pradesh

Itanagar.

4: The Deputy Commissioner

Age: 0

Occupation :

Address: District Leparada

Basar

Arunachal Pradesh.

5:The Extra Assistant Commissioner cum Estate Officer

Age: 0

Occupation :

Address:Tirbin

District Leparada

Basar

Arunachal Pradesh.

6:The Executive Engineer

Age: 0

Occupation :

Address:PWD Highway Division

Basar

District Leparada

Arunachal Pradesh.

7:M/s Shivalaya Construction Company

Age: 0

Occupation :

Address:Camp Tirbin

Leparada District

Arunachal Pradesh.

8:THE UNION OF INDIA

Age: 0

Occupation :

Address:Represented by the Secretary

Ministry of Road and Highways

Bhawan No. 1

Parliament Street

New Delhi 110001

9:The Secretary

Age: 0

Occupation :

Address:Ministry of Road

Transport and Highway

Bhawan 1

Parliament Street

New Delhi 110001

10:National Highway Authority of India (NHAI)

Age: 0

Occupation :

Address:New Delhi

G 5 and 6

Sector 10
Dwarka
New Delhi

Advocate for : Ninnong Ratan
Advocate for : GA (AP) appearing for THE STATE OF AP and 9 Ors.: Advocate ,

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10, respectively.

Linked Case : **WP(C)/22/2023**

Kekjar Gadi
Age: 62
Occupation :
Address:S/o Lt. Gokik Gadi

Permanent Resident of Village Tirbin
PO and PS Tirbin
District Leparada
Arunachal Pradesh.

VERSUS

THE STATE OF AP and 9 Ors.
Age: 0
Occupation :
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Age: 0
Occupation :
Address: Department of Land Management
Govt. of Arunachal Pradesh
Itanagar.

4: The Deputy Commissioner
Age: 0
Occupation :
Address: District Leparada
Basar
Arunachal Pradesh.

5: The Extra Assistant Commissioner cum Estate Officer
Age: 0
Occupation :
Address: Tirbin
District Leparada
Basar
Arunachal Pradesh.

6: The Executive Engineer
Age: 0
Occupation :
Address: PWD
Highway Division

Basar
District Leparada
Arunachal Pradesh.

7:M/s Shivalaya Construction Company
Age: 0
Occupation :
Address:Camp Tirbin
Leparada District
Arunachal Pradesh.

8:THE UNION OF INDIA
Age: 0
Occupation :
Address:Represented by the Secretary
Ministry of Road and Highways
Bhawan No. 1
Parliament Street
New Delhi 110001

9:the Secretary
Age: 0
Occupation :
Address:Ministry of Road
Transport and Highway
Bhawan 1
Parliament Street
New Delhi 110001

10:National Highway Authority of India (NHAI)
Age: 0
Occupation :
Address:New Delhi
G 5 and 6
Sector 10
Dwarka
New Delhi

Advocate for : Ninnong Ratan
Advocate for : GA (AP) appearing for THE STATE OF AP and 9 Ors.: Advocate ,

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**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 22.04.2025

Heard Mr. D. Soki, learned counsel for the petitioners; Mr. Y. Riram, learned Junior Government Advocate, Arunachal Pradesh for the respondent nos. 1 – 5; Mr. O. Pada, learned counsel for the respondent no. 7; and Mr. M. Kato, learned Deputy Solicitor General of India [DSGI] for the respondent nos. 8 & 9.

2. Mr. Kato, learned DSGI has submitted that he has earlier received the notice inadvertently on behalf of the respondent no. 10, National Highway Authority of India [NHAI]. He has submitted that as there is a set of panel counsel for the respondent NHAI, he would not be appearing for the respondent no. 10. He has further submitted that he will obtain

instructions as regards the Right of Way [RoW] of the National Highway no. 13 and the matters pertaining to the Control of National Highways [Land and Traffic] Act, 2002 from the respondent nos. 8 & 9. He has sought for listing of the case after 2 [two] weeks.

3. As for proper adjudication of the issues, the presence of the respondent no. 10 necessary, the learned counsel for the petitioners shall serve a copy of the writ petition along with annexures by tomorrow, to Mr. Pada, who has agreed to transmit the same to the office of the respondent no. 10 so that the respondent no. 10 is represented by its learned engaged counsel in the matter.

4. Mr. Riram, learned Junior Government Advocate, Arunachal Pradesh shall also obtain instructions whether the respondent no. 5 who is an Estate Officer under the Arunachal Pradesh Premises [Eviction of Unauthorised Occupants] Act, 2003, is competent to act as an authority/Estate Officer in respect of the Right of Way [RoW] of a National Highway, which is prima facie vested in the Central Government.

5. List the case after 2 [two] weeks on a date to be fixed by the office.

JUDGE

Comparing Assistant