

GAHC040001342020



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

Case No. : WP(C) 53/2020

1: Taget Taloh
S/o Lt. talung Taloh, village Bilat, P.S Ruksin, Dist. East Siang, AP

VERSUS

1: THE STATE OF AP
represented by the Secretary, Land Management, Govt. of AP, Itanagar

2: The Deputy Commissioner
East Siang District Pasighat
Arunachal Pradesh

3: The Circle Officer
Bilat Circle
Dist. East Siang
AP

4: Raman Taloh
S/o Lt. Takom Taloh
Village Bilat-Bamin
P.O. Bilat
P.S Ruksin
East Siang Dist. AP

5: Giant Taloh
S/o Lt. Takom Taloh
Village Bilat-Bamin
P.O. Bilat
P.S Ruksin
East Siang Dist. AP

6: Tator Taloh
S/o Lt. Tapun Taloh

Village Bilat-Bamin
P.O. Bilat
P.S Ruksin
East Siang Dist. AP

7:Tabong Taloh
Ex-President
Taloh Erang 2012
S/o Shri Takit Taloh
village Bilat-Bamin
East Siang Dist. A

Advocate for the Petitioner : Tabit Tapak

Advocate for the Respondent : Dugmar Kamduk

**BEFORE
HONBLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 11-02-2020

Heard Mr. T. Tapak, learned counsel for the petitioner, who submits that due to a property dispute between the petitioner and one *Shri Gabang Moyong*, a Kebang was conducted, which passed a decision on 10.05.2012 in favour of the petitioner. Thereafter, the decision of the Kebang dated 10.05.2012 was taken up before the Deputy Commissioner for execution, vide Execution Petition No. 01/2013. The Execution Petition No. 01/2013 was disposed of by the Deputy Commissioner, East Siang District, Pasighat, vide order dated 13.08.2013, with a direction to the decree holder (petitioner) to take possession and occupation of the disputed land in question.

The petitioner's counsel submits that after around 7(seven) years, the respondent Nos. 4 to 7, submitted an application before the Deputy Commissioner for review of the Execution order dated 13.08.2013 passed in Execution Petition No. 01/2013. He submits that in pursuance to the said application for review, the impugned notice dated 30.01.2020 has been issued to the petitioner to appear before the Circle Officer, Bilat on 14.02.2020.

From a bare perusal of the orders that have been annexed to the writ petition and on considering the provisions of the Assam Frontier (Administration of Justice) Regulation Act, 1945, it *prima facie* appears that the Circle Officer, Bilat does not have the jurisdiction to review the Execution order dated 13.08.2013 passed in Execution Petition No. 01/2013, inasmuch as, the Kebang decision dated 10.05.2012 has not been challenged in appeal till date and is accordingly legal/valid.

Issue Notice, returnable in 4(four) weeks.

Mr. D. Kamduk, learned Standing counsel, Land Management Department accepts notice for the respondent No. 1 and Mr. D. Soki, learned Addl. Sr. Govt. Advocate accepts notice on behalf of the respondent Nos. 2 & 3.

The petitioner to take steps for service of notice upon the respondent Nos. 4 to 7 by registered post with A/D, within 3(three) days.

List the matter on 16.03.2020.

In the interim, it is provided that the operation of the impugned notice dated 30.01.2020 issued by the Circle Officer, Bilat is stayed, till further orders.

JUDGE

Comparing Assistant