

GAHC040002052026



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

Case No. : WP(C)/56/2026

Smti Moman Tayeng
Wife of Shri Osik Borang, resident of Agam Colony, PO and SP Pasighat, East Siang
District, Arunachal Pradesh.

VERSUS

The State of AP and 5 Ors
represented by the Chief Secretary, State of Arunachal Pradesh, Itanagar 791111
2:The Secretary Land Management

Age: 0
Occupation :
Govt of Arunachal Pradesh
Itanagar 791111

3:The Director
Age: 0
Occupation :
Land Management
Govt of Arunachal Pradesh
Itanagar 791111

4:The Deputy Commissioner
Age: 0
Occupation :
Office of the Deputy Commissioner
Est Siang District
PO Pasihgat
Arunachal Pradesh 791102

5:The District Land Revenue and Settlement Officer
Age: 0
Occupation :
Pasighat

PO Pasighat
East Siang District
Arunachal Pradesh. 791102

6:The Estate Officer
Age: 0
Occupation :
Pasighat
PO and PS Pasighat
East Siang District
Arunachal Pradesh. 79110

Advocate for the Petitioner : Niranjan Sarma, Abanso Gamre

Advocate for the Respondent : GA (AP),

**BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG**

ORDER

13.02.2026

Heard Mr. N. Sarma, learned counsel for the petitioner. Also heard Ms. G. Ete, learned Additional Senior Government Advocate for the State respondents.

2. This present writ petition under Article 226 of the Constitution of India has been filed by the petitioner challenging:

- i.** the impugned order dated 10.10.2025 passed by the respondent No. 6/Estate Officer, East Siang District, Pasighat, u/s 4 of the Arunachal Pradesh Public Premises (Eviction of Unauthorized Occupants) Act, 2003 declaring the petitioner as an unauthorized occupant;
- ii.** the appellate order dated 07.01.2026 passed by the Deputy Commissioner/respondent No. 4, East Siang District, Pasighat, under Section 12 of the Arunachal Pradesh Public Premises (Eviction of Unauthorized Occupants) Act, 2003, whereby the finding in impugned order dated 10.10.2025 issued by

the Estate Officer/respondent No. 6 has been affirmed; and

iii. The Eviction Order dated 03.02.2026 issued by the respondent No.6/Estate Officer, Pasighat u/s 5(1) & 5(2) of the Act, directing the petitioner to vacate the premises within 15 days.

3. Mr. Sarma, learned counsel for the petitioner, submits that the petitioner is in possession of land measuring 250 sq. mtrs. in Agam Colony, Pasighat, for which he has submitted an application for allotment by annexing all the necessary clearance certificate issued by the Forest Department, Town Planner, and Urban Development & Housing Department, Pasighat. However, the respondent authorities passed the impugned order without properly considering the petitioner's claim and possession of the said land.

4. He further submits that the notice of eviction dated 03.02.2026 was issued by the respondent authorities in connection with the implementation of a scheme of the Government of India, namely SASCI (Special Assistance to States for Capital Investment), under the Smart Cities Mission. He further submits that if the eviction is carried out, irreparable injury would cause to the petitioner. The learned counsel further submits that, before issuing the eviction notice, no evidence was taken, contrary to the provision under the Arunachal Pradesh Public Premises (Eviction of Unauthorized Occupants) Act, 2003.

5. On the other hand, Mr. Ete, learned Additional Senior Government Advocate, submits that all procedures have been complied with and that the petitioner was given ample opportunity to present his case before the authority prior to the issuance of the eviction order. However, regarding the pending application for land allotment before the respondent authorities, she prays that the Deputy Commissioner, East Siang District, Pasighat may be given liberty to dispose of the said application in accordance with law.

6. Issue notice to the respondents, returnable within 4 (four) weeks.
7. Call for the Trial Court Record.
8. Since Ms. Ete, learned Additional Senior Government Advocate, has entered appearance and accepted notice on behalf of State respondent Nos. 1 to 6, no formal notice is required to be issued to the said respondents. However, she shall be provided with the requisite extra copy of the petition within two days from today.
9. In the meantime, it is provided that pursuant to the Eviction Order dated 03.02.2026, no coercive action shall be initiated against the petitioner till the next returnable date. However, it is made clear that the petitioner shall not raise any further construction or alter the nature and character of the land in question during pendency of this writ petition. The petitioner shall maintain *status quo* as regard to the possession and nature of the property as of today.
10. List the matter after **4 (four) weeks**.

JUDGE

Comparing Assistant