

GAHC040002292026



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

Case No. : WP(C)/59/2026

Smti Tongam Basar
Wife of Shri Nyado Taipodia, Health Assistant, Tomo Riba Institute of Health and
Medical Sciences, Naharlagun, Govt of Arunachal Pradesh, resident of Govt Qtr
No.508/ T-II, D Sector, Naharlagun.

VERSUS

The State of AP and 3 Ors
represented by the Commissioner, Department of Urban Affairs, Govt of Arunachal
Pradesh, Itanagar. 2:The Secretary
Age: 0
Occupation :
Department of Housing and Urban Development
Govt of Arunachal Pradesh
Itanagar.

3:The Director
Age: 0
Occupation :
Department of Housing
Directorate of Housing
Govt of Arunachal Pradesh
Itanagar.

4:The Executive Engineer
Age: 0
Occupation :
Urban Development
Department of Urban Affairs
Urban Development
Govt of Arunachal Pradesh

Advocate for the Petitioner : Krishna Dubey, Pekyum Tamin

Advocate for the Respondent : GA (AP),

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 19-02-2026

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

2. By filing this application, the petitioner has put to challenge the Notification dated 12.01.2026, passed by the Commissioner (Urban Affairs), Government of Arunachal Pradesh, whereby, in order to pave the way for re-development of Government housing in various sectors of the Itanagar, Capital Complex, all quarters of general pool located at D-Sector, Naharlagun is notified for dismantling and construction of multi-storied flats allotted to 8(eight) persons including the petitioner and also the Letter dated 02.02.2026, issued by the Executive Engineer (UD), Itanagar Division, Itanagar requesting the occupants, including the petitioner to vacate the said Government residential quarters.

3. This Court on 08.02.2026, having considered the nature of the case, directed the learned Additional Senior Government Advocate to obtain instruction.

4. Ms G. Ete, learned Additional Senior Government Advocate while

placing the communication dated 18.02.2026 from the Executive Engineer (UD) Itanagar Division, Itanagar submits that the Department of Urban Development, Itanagar Division, being an executing agency is ready to provide an alternative temporary accommodation or House Rent Allowance (HRA) whichever is opted for, to all the 8(eight) occupants of the Government residential quarters at D-Sector, Naharlagun.

5. Perusal of the instruction, indicates that the respondent authorities are ready to provide the alternative temporary accommodation or House Rent Allowance (HRA) as an option for all the 8(eight) occupants including the petitioner herein in terms of the Notification dated 12.01.2026.

6. The Notification clearly indicates that dismantling of the quarters located at D-Sector, Naharlagun is for re-development of the residential Government quarters and for construction of multi-storied flats which is for the interest of the Government employees including the petitioner. The State authorities being the welfare State appears to have taken the policy decision considering the welfare of its employee by re-developing the residential Government Quarters as the present quarters appears to have been out lived its normal time. More so, it is also provided that the Government employee whose quarters are dismantled shall be provided alternative temporary accommodation or House Rent Allowance (HRA) till the flats are constructed, which indicates that after the construction or re-development of the said Government residential quarters, the same shall be allotted to the employees including the petitioner.

7. Mr. P. Tamin, learned counsel for the petitioner fairly submits that, in

fact, the petitioner could not have any grievance for the said policy of the State, however, due to examination of children of the petitioner, if the petitioner is to move out or vacate the quarter, she will face undue hardship as the examination of her children are in currency till 16th of March, 2026. Under such circumstance, the petitioner may be allowed to stay in the said Government quarter till 16th March, 2026.

8. Having considered the submissions of the learned counsel for the parties and also considering that the State authorities have taken a decision to re-develop by dismantling the old Government residential quarters for construction of multi-storied flats for the employees located at D-Sector, Naharlagun, I am of the considered view that no interference is called for to the Notification dated 12.01.2026, and the consequent Letter dated 02.02.2026, issued by the Commissioner (Urban Affairs) Government of Arunachal Pradesh and the Executive Engineer (UD) Itanagar Division, Itanagar. However, considering the interest of children of the petitioner, it is provided that the petitioner be allowed to stay with her family till 16th March, 2026, particularly for examination of her children.

9. In the meantime, the petitioner to decide as to whether she would avail the alternative temporary accommodation provided by the agency or avail House Rent Allowance (HRA). It is made clear that the petitioner shall vacate the quarter on or before 20.03.2026, and no further time shall be granted for vacating the said quarter.

10. Writ petition stands disposed of accordingly.

JUDGE

Comparing Assistant