

GAHC040002582022



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

**Case No. : WP(C)/93/2022**

Biri Mangju and Anr.  
S/o Shri Biri Takap,  
Village Mangju, Circle Yangte,  
PO/PS Palin,  
District Kra Daadi, Arunachal Pradesh.  
Mobile No. 6909420754      2: Biri Tadak  
Age:  
Occupation :  
S/o Shri Biri Tayi

Village Ania Koyar

Circle Yangte  
PO/PS Palin

District Kra Daadi  
Arunachal Pradesh.  
Mobile No. 897464026

VERSUS

THE STATE OF AP and 5 Ors.  
Represented by the Secretary (Land Management), Govt. of Arunachal Pradesh,  
Itanagar 791111      2:The Chief Engineer  
Age: 0  
Occupation :  
Rural Works Department (Western Zone)  
Itanagar

3:The Executive Engineer  
Age: 0  
Occupation :  
RWD Jamin Division

Govt. of Arunachal Pradesh  
District Kra Daadi  
Arunachal Pradesh

4:The Deputy Commissioner  
Age: 0  
Occupation :  
Palin  
District Kra Daadi  
Arunachal Pradesh  
Govt. of Arunachal Pradesh

5:Tai Tajik  
Age: 0  
Occupation :  
Prop of M/s RTT Enterprises C Sector  
Opp GMTD BSNL Office  
PO/PS Itanagar 791111

6:The Secretary (RWD)  
Age: 0  
Occupation :  
Govt. of Arunachal Pradesh  
Itanaga

**Advocate for the Petitioner** : Tabit Tapak, T Taki, Y Pangu

**Advocate for the Respondent** : GA (AP), Dugmar Kamduk, SC(Land Management), Gimi Tarak, SC(RWD)

**-BEFORE-**

**HON'BLE MR. JUSTICE KALYAN RAI SURANA**

**20.09.2024**

1. Heard Mr. T. Tapak, learned counsel for the petitioner; Mr. D. Kamduk, learned Standing counsel for the Land Management Department for respondent No. 1; Mr. G. Tarak, learned Standing counsel for the RWD for respondent Nos. 2 & 3; and Ms. P. Sangeeta, learned State counsel for respondent No. 4.

2. The prayer made in this writ petition are as follows:-

1. Direction/ order should not be passed by setting aside and quashing the illegal execution of Pradhan Mantri Gram Sadak Yojna (for short, 'PMGSY') from the portion of private land of the petitioners vide Package No. AR/14/05/062 (C/o HSH BRTF road to Yangte-Jhome PWD Road-palin Block boundary (Full Stage) which is being executed through Executive Engineer, Rural Works Division, Jamin, Govt. of Arunachal Pradesh.

2. Direction/ order should not be passed for disposal of the following written representations:

(a) Representation, dated 24/5/2019 which is before the Chief Engineer, RWD (WZ), Itanagar.

(b) written complaint, dated 10/7/2020 which is before the Deputy Commissioner, Kra-Daadi District, Arunachal Pradesh.

© written representation, dated 31/12/2021 and 3/2/2022 before the Deputy Commissioner, Kra Daadi District, Arunachal Pradesh for preparation of Damage Report and compensation.

3. Therefore, in guise of prayer for disposal of representation, the petitioner is actually seeking compensation for damages. To grant such a relief, the highly disputed questions of fact has to be adjudicated for which ideally one has to approach a Civil Court.

4. On the said query, the learned counsel for the petitioner prays for an adjournment.

5. Prayer is allowed.

6. List the matter after the ensuing Puja vacation.

**JUDGE**

**Comparing Assistant**