

GAHC040002782025



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

Case No. : WP(C)/77/2025

Pasang Doirjee Sharjo and Anr
Son of Late Lera Sharjo, resident of Bumjipanga Village, Po and PS Mechuka, Shi
Yomi District, Arunachal Pradesh.

2: Smti Rinjin Drema Sharjo
Age:
Occupation :
Daughter of Late Lera Sharjo
resident of Bumjipanga Village
PO and PS Mechuka
Shi Yomi District
Arunachal Pradesh

VERSUS

The State of AP and 4 Ors
represented by the Chief Secretary, Civil Secretariat, Itanagar, Arunachal Pradesh.

2:The Additional Deputy Commissioner
Age: 0
Occupation :
Shi Yomi District
Mechuka
Arunachal Pradesh.

3:The Officer in Charge
Age: 0
Occupation :
Mechuka Police Station
Arunachal Pradesh.

4:Phurba Sona
Age: 0

Occupation :
Son of Shri Pema Sona
resident of Bumjipanga Village
PO and PS Mechuka
Shi Yomi District
Arunachal Pradesh.

5:Pemba Sona
Age: 0
Occupation :
Son of Shri Dorkee Phurba Sona
resident of Bumjipanga Village
PO and PS Mechuka
Shi Yomi District
Arunachal Pradesh

Advocate for the Petitioner : J Tsering, Dejum Tally, Licha Teni

Advocate for the Respondent : GA (AP),

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

Date : 25.02.2025

Heard Mr. J. Tsering, learned counsel for the petitioner. Also heard Ms. G. Ete, learned Additional Senior Government Advocate for the respondent Nos. 1, 2 and 3.

The present writ petition is filed assailing an eviction order dated 09.02.2025 passed by the Additional Deputy Commissioner, Shi Yomi District, Mechuka. The fundamental ground of assailing such order is that the aforesaid order has been passed behind the back of the petitioner and without issuing any notice or giving him any reasonable opportunity of hearing.

Perused the eviction order. *Prima facie* it reveals that the eviction order has been passed on the basis of some complaint received from the respondent Nos. 4 and 5 and on the basis of such complaint, the Additional Deputy Commissioner had visited the site and issued the impugned order having a satisfaction that the petitioner has encroached a public premises. However, there is nothing to suggest that the petitioner was given any opportunity to explain his stand as regards the complaint filed by the respondent Nos. 4 and 5.

This matter needs further consideration, accordingly, issue notice returnable on 21.03.2025.

As Ms. G. Ete, learned Additional Senior Government Advocate accepts notice on behalf of the respondent Nos. 1, 2 and 3, no formal notice is required to be issued to the said respondents. However, requisite extra copies of the petition be furnished to her during the course of the day.

The petitioner to take steps for service of notice upon the respondent Nos. 4 and 5 by registered post with AD as well as by usual process within 5(five) days from today.

In addition, the petitioner is permitted to take steps by *dasti* service, however, same should be routed through the Registry of this Court and thereafter, an affidavit be filed in proof of affecting such *dasti* service.

Considering the issue of violation of principles of nature of justice, it is provided that till the returnable date, the impugned order dated 19.02.2025

(annexure-6, page-30) shall remain suspended.

List the matter on 21.03.2025

JUDGE

Comparing Assistant