

GAHC040004722025



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

Case No. : CRP/28/2025

Smti Yapi Gammeng
Wife of Late Tapak Gammeng, permanent resident of Tarak Village, PO and PS
Pangin, Siang District, Arunachal Pradesh.

VERSUS

Talung Melong and 2 Ors
Son of Late Talom Melong, permanent resident of Tarak Village, PO and PS Pangin,
Siang District, Arunachal Pradesh.

2: Tamur Melong

Age: 0

Occupation :

Son of Late Talom Melong
permanent resident of Tarak Village
PO and PS Pangin
Siang District
Arunachal Pradesh.

3: Tate Jerang

Age: 0

Occupation :

Son of Late Tako Jerang
Head Gaon burah
Tarak Village
PO and PS Pangin
Siang District
Arunachal Pradesh

Advocate for the Petitioner : Ojing Pada, Likha Moriam

Advocate for the Respondent : ,

**BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 27-03-2025

Heard Mr. O. Pada, learned counsel for the petitioner.

2. The case of the petitioner is that she is the absolute owner of the land called 'Dumrung Arik' at Tarak Village of Siang District. It is contended that in the year 2011, a dispute arose over the land in question due to illegal selling of some portion of the land by two persons, namely, Shri Tanyok Mibang and Shri Taking Takoh. A complaint was lodged by the petitioner, and on receipt of such complaint, the Village Council had on 11.03.2011, decided the disputed land in favour of the petitioner. Thereafter, the respondent no. 1 lodged a false complaint before the EAC, Pangin, in the year, 2021, alleging that the petitioner has encroached his land. On receipt of such complaint, the EAC has written on the body of the complaint letter stating that the said court has no more jurisdiction to try the case and observed that the case may be referred back to the village counsel for arbitration.

3. However, the village council misconceived the said observation and issued summon to the petitioner. It is submitted that the petitioner did not attend the summon as the matter was already decided way back in the year 2011 by the village authority in his favour. However, acting on the complaint of the respondent, the village authority on 09.09.2021, has decided the land in question in favour of the respondent no. 1 and amongst other directed the petitioner to compensate one adum for damages of the standing properties.

4. It is further submitted that since the matter has already been decided on 11.03.2011, by the village Kebang, there is no provision for second Kebang under section 46(1) of the Assam Frontier (Administration of Justice) Regulation, 1945 and therefore, the impugned Execution Order based on 2nd Kebang could not have been passed by the EAC cum Executive Magistrate, Pangin. Aggrieved by the impugned Execution Order, the petitioner has filed this petition.

5. Issue notice returnable by 4 (four) weeks.

6. Call for the scanned copy of the Execution case No. 01/2024.

7. Having regards to the contention made in the petition, it is provided that the operation of the impugned Execution Order dated 11.03.2025, passed by the Executive Magistrate, Pangin in Execution Petition No. 01/2024, and its further proceeding shall remain stayed till the next returnable date.

List this matter after 4 (four) weeks.

JUDGE

Comparing Assistant