

GAHC040005432020



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

Case No. : CRP 13/2020

1: Pakdam Lombi S/O LT. BIPAK LOMBI, PERMANENT RESIDENT OF TIRI VILLAGE, PO/PS TIRBIN, LEPARADA DISTRICT, AP.

2: DAMMI LOMBI S/O LT. PAKDAM LOMBI PERMANENT RESIDENT OF TIRI VILLAGE PO/PS TIRBIN LEPARADA DISTRICT AP

VERSUS

1: Tayi Tasar S/O LT. MEKEK TASAR, SIKI VILLAGE, PO/PS TIRBIN, LEPARADA DISTRICT, AP.

Advocate for the Petitioner : Bido Sora

Advocate for the Respondent :

BEFORE
HONBLE MR. JUSTICE NANI TAGIA

ORDER

Date : 13-08-2020

Heard Mr. B. Sora, learned counsel for the petitioners.

By filing this Civil Revision Petition under Article 227 of the Constitution of India, read with Section 50 of the Assam Frontier(Administration of Justice) Regulation, 1945, the petitioners have put to challenge the following orders:

- (i) impugned Keba decision, dated 27.09.2018, whereby the ownership of the disputed land has been decided in favour of the sole respondent;
- (ii) impugned order, dated 01.02.2019, passed by the Extra Assistant Commissioner, Lepa Rada District, Tirbin Circle, whereby the impugned Keba decision, dated 27.09.2018 has been upheld without providing any opportunity of hearing to the petitioner; and

- (iii) impugned order, dated 26.05.2020, passed by the Additional Deputy Commissioner, Basar, in Appeal Case No. LRD/JDL/Appeal-03/19-20, whereby the impugned Keba decision, dated 27.09.2018 has been upheld with certain modifications.

Issue notice, returnable in 6 weeks.

Learned counsel for the petitioners shall take necessary steps for causing service of notice upon the sole respondent by registered A/D post as well as by usual process within 3 days from today.

Heard on the interim prayer.

Praying for the stay of the impugned orders, referred to hereinabove, Mr. Sora, learned counsel for the petitioners, submits that if the aforesaid impugned orders are not stayed, the sole respondent may, either, alienate the disputed land in question, or, may undertake further construction activities in the disputed land which may, change the nature and character of the disputed land in question.

Having heard the learned counsel for the petitioners, in the interim, till the returnable date, it is hereby provided that the sole respondent shall not alienate the disputed land, in question, at "Larjom Rike", and also both the parties to this Civil Revision Petition, shall, neither, undertake any new construction in the disputed land, in question, nor, indulge in any such activity in the disputed land, in question, which may change the nature and character of the disputed land, in question, at "Larjom Rike".

List it after 6 weeks.

JUDGE

Comparing Assistant