

GAHC040005612026

2026:GAU-AP:391



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

Case No. : WP(C)/175/2026

Gombo Tamin
Son of Shri Obang Tamin, Village Mongku, PO and PS Pasighat, East Siang District,
Arunachal Pradesh.

VERSUS

The State of AP and 5 Ors
represented by the Chief Secretary.

2:The Secretary
Age: 0
Occupation :
Land Department
Itanagar
Papum Pare District
Arunachal Pradesh.

3:The Secretary
Age: 0
Occupation :
Department of Animal Husbandry and Dairy Development
Itanagar
Papum Pare District
Arunachal Pradesh.

4:The District Magistrate cum Deputy Commissioner
Age: 0
Occupation :
East Siang District
Pasighat
Arunachal Pradesh.

5:The Directorate of Animal Husbandry and Dairy Development
Age: 0

Occupation :
Nirjuli
PO and PS Nirjuli
Arunachal Pradesh.

6:The DLRSO
Age: 0
Occupation :
Land Department
Pasighat
East Siang District
Arunachal Pradesh

Advocate for the Petitioner : Kago Taja, Kirmar Ado,K Tagyang

Advocate for the Respondent : GA (AP), SC (Animal Husbandry and Veterinary),Lissing Perme

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 24.04.2026

Heard Mr. K. Taja, learned counsel for the petitioner; Mr. N. Ratan, learned Standing Counsel, Animal Husbandry and Veterinary Department for the respondent nos. 1, 2, 4 & 6; and Mr. K. Dubey, learned counsel for the respondent nos. 3 & 5.

2. This writ petition is preferred to assail the legality and validity of an Order dated 17.04.2026 passed by the respondent no. 4 purportedly in exercise of powers under Section 152, Bharatiya Nagarik Suraksha Sanhita [BNSS], 2023. The petitioner in response to the Order dated 17.04.2026 has filed an objection before the respondent no. 4 on 20.04.2026 seeking recall of the Order 17.04.2026.

3. The petitioner has raised an issue of forcible encroachment into the petitioner's plot of land by the State respondent authorities. In this connection, the petitioner has already instituted a title suit, Title Suit no. 09/2026 wherein notices were issued to the defendants on 25.02.2026 for their appearance on 28.04.2026. In respect of any grievance of the petitioner regarding forcible encroachment into the petitioner's plot of land, it is open for the petitioner

to raise such contention in Title Suit no. 09/2026 and to seek injunction against the defendants as per the provisions of law so as to restrain the defendants from any alleged unauthorised encroachment of the petitioner's plot of land.

4. In the written objection filed by the petitioner on 24.02.2026 to the Order dated 17.04.2026, the petitioner has mentioned that his plot of land is adjacent to the plot of Veterinary Training Institute and his plot of land is clearly distinct from the land of the Integrated Dairy Development Project [IDDP] and Veterinary Institute. He has further mentioned that his land does not fall within the land of the IDDP and Veterinary Institute and it is a separate plot of land.

5. An Order under Section 152, BNSS can be assailed under the provisions of the BNSS in the event of any lack of power, authority and jurisdiction on the part of the Issuing Authority, a contention made by the learned counsel for the petitioner.

6. From the statements and averments made in the writ petition, it prima facie emerges that there is a dispute as regards proper boundary of the petitioner's plot of land and the parcel of land allotted to the IDDP and Veterinary Institute and such disputed questions of fact are cannot be determined within the scope and ambit of Article 226 of the Constitution of India and the disputed questions can be determined in a full-fledged trial where the parties would lead evidence – oral and documentary – for determination of the disputed questions of fact. As the competent court is seisin of Title Suit no. 09/2026 wherein the petitioner as the plaintiff has sought the reliefs in the forms of declaration of title, right and possession in favour of the petitioner and the said court can also decide in the matter of granting injunction.

7. In view of availability of appropriate remedy under the law, this Court is of the view that this writ petition is not to be entertained. It is accordingly ordered. There is no order as to cost.

JUDGE

Comparing Assistant