

GAHC040005802024



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

Case No. : Crl.Petn./54/2024

Mitan Apum and 4 Ors
Son of Shri John Apum, a permanent resident of Ngopok Village, PO and PS Mebo,
East Siang District, Arunachal Pradesh

2: Muk Apum
Age:
Occupation :
Son of Shri Mingki Apum
a permanent resident of Sigar Village
PO and PS Mebo
East Siang District
Arunachal Pradesh

3: Jonge Apum
Age:
Occupation :
Son of Late Angkir Apum
a permanent resident of Balek Village
PO and PS Pasighat
East Siang District
Arunachal Pradesh

4: Jenny Apum
Age:
Occupation :
Son of Shri Oti Apum
a permanent resident of Debin Village
PO and PS Ruksin
East Siang District
Arunachal Pradesh

5: Obang Apum
Age:

Occupation :
Son of Shri Kilong Apum
a permanent resident of Adipasi Village
PO and PS Mariyang
Upper Siang District
Arunachal Pradesh

VERSUS

The State of AP and Anr
through the PP of AP 2: The District Magistrate
Age: 0
Occupation :
East Siang District
Pasighat
Arunachal Pradesh

Advocate for the Petitioner : Muk Pertin, Senior Advocate, Dakjum Riba, Dusu Rillung, Tshering Yangzom Bhutia, Mukbom Pertin, Karyom Dabi

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

Date : 29.07.2026

Heard Mr. M. Pertin, learned counsel for the petitioners.

2. The respondent No. 1 is represented by the learned Additional Public Prosecutor.
3. As per the Office Note dated 24.02.2026, service upon the respondent No. 2/the District Magistrate, East Siang District, Pasighat, is complete.
4. Mr. Ete, learned Additional Public Prosecutor for the State, undertakes to represent the respondent No. 2.
5. The petitioners have invoked the inherent jurisdiction of this Court to

challenge the order dated 30.04.2024 passed by the District Magistrate, Pasighat, East Siang District, Arunachal Pradesh, under Section 133 of the CrPC, regarding illegal encroachment of Government land, whereby construction was prohibited and eviction of any structure standing thereon was directed.

6. Mr. Ete, learned Additional Public Prosecutor, submits that the present petition is not maintainable inasmuch as the impugned order is a final order. He submits that if the said order is sought to be challenged, the appropriate remedy is by invoking the revisional jurisdiction, however, by directly invoking the inherent jurisdiction of this Court, the petitioners are attempting to circumvent some of the restrictions associated with the exercise of revisional jurisdiction.

7. As per the order dated 07.05.2024, the issue of maintainability has been kept open.

8. Call for the scanned copy of the records pertaining to the Execution Order dated 30.04.2024 passed by the District Magistrate, Pasighat, East Siang District, Arunachal Pradesh, vide Memo No. J-4303/18-19 (Pt.).

9. The scanned records shall be sent expeditiously.

10. List the matter after 3 (three) weeks in the admission column, on a date to be fixed by the Registry.

11. Interim order passed earlier shall continue till the next date of listing.

JUDGE

CHECKED & VERIFIED
Digitally signed by
Jumbi Bam
Date: 2026.07.30
10:37:43 +05'30'

Comparing Assistant