

GAHC040005952023



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

Case No. : WP(C) 219/2023

1: Tabang Paleng and 5 Ors.
S/o Lt. Taki Paleng,
Permanent Resident of Paksing,
Presently residing at Kaying, PO/PS Kaying, Siang District, Arunachal Pradesh.

2: Taling Paleng
S/o Lt. Taki Paleng

Permanent Resident at Kaying
Presently residing at Kaying
PO/PS Kaying
Siang District
Arunachal Pradesh.

3: Tagom Paleng
S/o Lt. Taki Paleng

Permanent Resident of Paksing
Presently residing at Kaying
PO/PS Kaying
Siang District
Arunachal Pradesh.

4: Tabi Paleng
S/o Lt. Taki Paleng

Permanent Resident of Paksing
Presently residing at Kaying
PO/PS Kaying
Siang District
Arunachal Pradesh.

5: Mayek Paleng

S/o Lt. Taki Paleng
Permanent Resident of Paksing
Presently residing at Kaying
PO/PS Kaying
Siang District
Arunachal Pradesh.

6: Taja Paleng
S/o Lt. Taki Paleng

Permanent Resident of Paksing
Presently residing at Kaying
PO/PS Kaying
Siang District
Arunachal Pradesh

VERSUS

1:THE STATE OF AP and 4 Ors.
Through the Secretary, Land Management, Govt. of Arunachal Pradesh, Itanagar.

2:The Secretary
(Land Management)
Govt. of Arunachal Pradesh.

3:The Director
(Land Management)
Govt. of Arunachal Pradesh
Itanagar.

4:The Deputy Commissioner
Siang District
Govt. of Arunachal Pradesh

5:The Extra Assistant Commissioner
Kaying
Govt. of Arunachal Pradesh

Advocate for the Petitioner : Dicky Panging

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 09.05.2023

Heard Mr. D. Panging, learned counsel for the petitioners.

The challenges made in this writ petition are the 2(two) notifications dated 25.01.2005 and 04.08.2005, issued by the Deputy Commissioner, West Siang District and the Secretary (Land Management), Government of Arunachal Pradesh, respectively, under Section 4 & 6 of the Land Acquisition Act, 1894 declaring that an area of land measuring 336587.25 Sq.Mtrs for public purpose. Kaying township and its administrative infrastructure has been constructed on land donated by the public of the area and no land acquisition proceedings have ever taken place and the petitioners stated to have never donated their land to the government.

The petitioners contends that several notices have been issued periodically to vacate the land, which belongs to them. On such repeated notices they have approached the Land Management Department and on such approach they were furnished with the impugned 2 notices dated 25.01.2005 and 04.08.2005 as mentioned above.

Mr. Panging, learned counsel for the petitioners, also submits that he has explained the delay in filing this writ petition at Paragraph-18 of the writ petition, which is reproduced herein below:-

“18. That on perusal of the notifications dated 25.01.2005 and 04.08.2005, the petitioners were suitably shocked inasmuch that the notifications dated 25.01.2005 and 04.08.2005 were never put up in public

domain and the petitioners categorically states that no proceedings of hearing of objections etc. were carried out by the Deputy Commissioner, West Siang District. Thereafter, the petitioners not being aware of the legal procedures was at a loss as to what further course of action was to be taken as after perusal of the notification dated 04.08.2005, the petitioners were of the view that the petitioner's land has already been acquired by the Government though no acquisition proceeding were ever carried out by the Government. Thereafter, some well-wishers of the petitioners advised the petitioners to discuss the issue with some lawyers practicing in the High Court at Naharlagun. Accordingly, in the last week of April, 2023; the petitioners came down to Naharlagun to discuss the issue and on discussion after perusing the documents furnished under the RTI Act, 2005, the petitioners were told that the acquisition proceedings were never completed. The petitioners most humbly state that they were not aware of the notifications dated 25.01.2005 and 04.08.2005 and as such there has been no deliberate delay in filing the instant writ petition and the delay after obtaining the documents under RTI Act, 2005 was occasioned on account of the petitioners not being aware of legal procedures."

Ms. R. Basar, learned Government Advocate has entered appearance and accepted notice on behalf of the State respondents no. 4 & 5. No formal notice is required to be served. However, requisite extra copies of the petition be served to her during the course of the day.

Issue notice to the respondents, returnable in 4(four) weeks.

The petitioner to take steps for service of notice upon respondents no. 1 to 3 through the learned Standing counsel within 2(two) days.

List it after 4(four) weeks.

JUDGE

Comparing Assistant