



GAHC040008422020



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

Case No. : WP(C)/324/2020

Indira Taloh
W/O SRI T. TALOH, DIKING VILLAGE, PAISGHAT, EAST SIANG DISTRICT ,
AP.

VERSUS

The State of AP and 2 Others
REPRESENTED BY THE CHIEF SECRETARY,GOVT. OF AP, ITANAGAR.
2:THE DEPUTY COMMISSIONER

Age: 0
Occupation :
EAST SIANG DISTRICT
PASIGHAT
AP.

3:THE EXTRA ASSISTANT COMMISSIONER-CUM-ESTATE OFFICER
Age: 0
Occupation :
EAST SIANG DISTRICT
PASIGHAT
AP

Advocate for the Petitioner : Tony Pertin, H K Jamoh,Kamal Saxena,Rinchin Ledo Thungon

Advocate for the Respondent : GA (AP),



**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

01.06.2026

Heard Shri T. Pertin, learned counsel for the petitioner. Also heard Ms. G. Ete, learned Add. Sr. Government Advocate, A.P. for the respondents.

2. Considering that this writ petition is pending since the year 2020, the same is taken up for disposal at the admission stage. Suffice it to mention that the affidavits have been exchanged.

3. The challenge in this petition is with regard to an order dated 13.11.2020 issued by the Extra Assistant Commissioner-cum-Estate Officer, Pasighat, whereby the petitioner was directed to stop construction activities. Further, legal action was also contemplated if such construction was not stopped.

4. It transpires that the aforesaid order is in connection with the existing Helipad which was expanded to accommodate landing of commercial aircrafts.

5. Shri Pertin, learned counsel for the petitioner has submitted that the land was duly allotted to the petitioner and there is no dispute with regard to the ownership of the land. He has also submitted that the structure is at a safe distance from the boundary and without making a proper assessment from the crest of the landing ground, the impugned direction has been issued. He has also contended that there are many other buildings similarly situated, including the stadium against which no action has been taken and only very few persons, including the petitioner have been picked for the said action. He has also submitted that the building was constructed with due permission.



6. *Per contra*, Ms. Ete, learned State Counsel has defended the impugned action and has submitted that the impugned order has been passed purely in the interest of public. She has submitted that the safety measures are to be taken and such orders have to be passed to ensure compliance of the instructions and protocols connected with an airport. While the learned State Counsel as not joined issues with regard to the ownership of the land of the petitioner, she disputes that the construction was made with due permission.

7. The rival submissions have been duly considered and the materials placed on records carefully examined.

8. As observed above, there is no dispute with regard to the ownership of the land. The aspect of taking proper permission for making construction is, however a disputed one. Be that as it may, it appears that the impugned order dated 13.11.2020 is directly in connection with the expansion of the existing helipad to enable movement of commercial aircrafts.

9. The learned counsel for the petitioner has emphasised that the construction is outside the prescribed distance which is, however disputed. This Court is of the opinion that the same would be within the realm of disputed questions of fact which cannot be gone into by this Court in exercise of its writ jurisdiction. Further, since the impugned order is directly connected with public safety relating to protocols to be maintained in an airport, this Court is of the view that private interest cannot override the overwhelming public interest connected with the project. This Court has also noticed that though initially an interim order was passed, the same was not continued.

10. In view of the above, this Court is not inclined to accede to the prayer made in



the writ petition and accordingly, the same is dismissed. It is, however, made clear that the petitioner would be entitled to the permissible compensation in accordance with law.

11. It is also made clear that the action for removal of structures cannot be confined only to the petitioner and the respondent authorities would take similar action *qua* all other structures which would come within the prescribed limit hampering the smooth functioning of the airport.

JUDGE

Comparing Assistant