

GAHC040008472020



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

Case No. : PIL 12/2020

1:Karpu Chisi
D/O SHRI SENKAR CHISI, NEAR PWD OFFICE, MOWB-II, ITANAGAR,
PAPUM PARE, AP.

VERSUS

1:THE UNION OF INDIA
THROUGH THE DEFENCE SECRETARY, MINISTRY OF DEFENSE, GOVT. OF
INDIA, CENTRAL SECRETARIAT, SOUTH BLOCK, NEW DELHI.

2:THE STATE OF AP
THROUGH THE CHIEF SECRETARY
GOVT. OF AP
ITANAGAR.

3:THE COMMANDING OFFICER OF 19TH SIKH REGIMENT
LONGDING
DISTRICT LONGDING
AP.

4:THE DIRECTOR-GENERAL OF POLICE AP.
POLICE HEADQUARTERS
CHANDRANAGAR
ITANAGAR
AP.

5:THE SUPERINTENDENT OF POLICE
LONGDING DISTRICT
AP

Advocate for the Petitioner : Sunil Mow

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE NELSON SAILO
HONBLE MR. JUSTICE S.K.MEDHI**

ORDER

01.03.2021

(Nelson Sailo, J.)

Parties are represented by their respective counsels.

Mr. Sunil Mow, learned counsel for the petitioner, submits that he has been served with a copy of the affidavit-in-opposition filed by the respondent No. 5.

Referring to the report of the Magisterial Inquiry at Annexure-J of the said affidavit-in-opposition, Mr. Mow, learned counsel, submits that one of the finding was that on account of the confrontation between the army authorities and the villagers of Pumao, shots were fired, leading to the death of one Lamdan Lukham, who was passing by. He, therefore, submits that it is clear that the army authorities had used excessive force on the fateful day.

Mr. R. H. Nabam, learned Addl. Advocate General, Arunachal Pradesh, on the other hand, submits that pursuant to the conclusion of the magisterial inquiry, the State Government has transferred the case from Longding Police Station to the Crime Branch Police Station (SIT), Police Headquarters, Itanagar, for further investigation, vide communication, dated 08.02.2021. The learned Addl. Advocate General, Arunachal Pradesh, therefore, submits that further inquiry will be made by the SIT from the police Headquarters. In this connection, he has produced a communication, dated 24.02.2021, written to him by the respondent No. 5 on the subject "submission of latest Status Report".

Mr. Ninnong Ratan, learned CGC, submits that he is yet to be furnished with a copy of the affidavit-in-opposition filed by the respondent No. 5. The learned CGC further submits that in fact, the army authorities had also filed an First Information Report(FIR) on the incident, stating that the underground organization concerned was responsible for the incident and not the Army.

From the above submissions and materials available, there appears to be substance on the claim made by the petitioner in this Public Interest Litigation(PIL), warranting some relief as an interim measure to the next of kin of the deceased person. However, instead of quantifying the amount, we direct Mr. Nabam, learned Addl. Advocate General, Arunachal Pradesh, and Mr. Ratan, learned CGC, to get appropriate instruction in this regard, by the next date.

A copy of the affidavit-in-opposition filed by the respondent No. 5, be furnished to Mr. Ratan, learned CGC, during the course of the day. The petitioner is also given the liberty to file appropriate application for impleading the parties that would be felt necessary in the case. The respondents will also be at liberty to exchange their pleadings.

A copy of the communication, dated 24.02.2021, produced by Mr. Nabam, learned Addl. Advocate General, Arunachal Pradesh, be kept on record, marked as 'X', for identification.

List this matter again on 31st of March, 2021.

A copy of this order be furnished to Mr. Nabam, learned Addl. Advocate General, Arunachal Pradesh, and Mr. Ratan, learned CGC, during the course of the day.

JUDGE

JUDGE

Comparing Assistant