

GAHC040008592022



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

Case No. : WP(C)/252/2022

Antosha Tindya and 37 Ors.

S/o Shri Babumso Tindya,

Resident of Village Loilang, PO/PS Tezu, Dist Lohit, Arunachal Pradesh. 2: Gunemso Tindya

Age:

Occupation :

S/o Babumso Tindya

Resident of Village Loiliang

PO/PS Tezu

Dist. Lohit

Arunachal Pradesh.

3: Babumso Tindiya

Age:

Occupation :

S/o Lt. N. Tindya

Resident of Village Loiliang

Dist. Lohit

Arunachal Pradesh.

4: Mantila Tindya

Age:

Occupation :

S/o Lt. B. Tindya

Resident of Village Tafragram

PO/PS Tezu

Dist Lohit

Arunachal Pradesh.

5: Goiso Tindya

Age:
Occupation :
S/o Mantila Tindya

Resident of Village Tafragram

PO/PS Tezu
Dist. Lohit
Arunachal Pradesh.

6: Juniso Tindya
Age:
Occupation :
S/o Mantila Tindya

Resident of Village Tafragram

PO/PS Tezu
Dist. Lohit
Arunachal Pradesh.

7: Sose Tindya
Age:
Occupation :
S/o Balakhi Tindya

Resident of Village Bekhuliang
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh.

8: Sonkhraainlum
Age:
Occupation :
S/o Mabralum Tindya

Resident of Village Bekhuliang
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh.

9: Sopanso Tindya
Age:
Occupation :
S/o Lt. Tindya

Resident of Village Chagliang
PO/PS Tezu
Dist. Lohit

Arunachal Pradesh.

10: Shantiso Tindya
Age:
Occupation :
S/o Sopanso Tindya

Resident of Village Changliang
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh.

11: Basilum Tamai
Age:
Occupation :
S/o Lt. Thaolum Tamai

Resident of Village Loilliang
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh.

12: Prasanso Tamai
Age:
Occupation :
S/o Basilum Tamai

Resident of Village Loilliang
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh.

13: Bawhilum Tamai
Age:
Occupation :
S/o Deyalum Tamai

Resident of Village Loilliang
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh.

14: Brami Tamai
Age:
Occupation :
S/o Deyalum Tamai

Resident of Village Loilliang
PO/PS Tezu

Dist. Lohit
Arunachal Pradesh.

15: Junratso Tamai
Age:
Occupation :
S/o Lt. Deyalum Tamai

Resident of Village Loiliang
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh.

16: Teso Tamai
Age:
Occupation :
S/o Lt. Kapolung Tamai

Resident of Villlage Loiliang
PO/PS Tezu
Dist Lohit
Arunachal Pradesh.

17: Kedenso Tamai
Age:
Occupation :
S/o Lt. Deyalum Tamai

Resident of Village Loiliang
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh.

18: Gangaram Kathak
Age:
Occupation :
S/o Sokhelum Kathak

Resident of Village Loilang
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh.

19: Sahaing Kathak
Age:
Occupation :
S/o Sokhelum Kathak

Resident of Village Loiliang

PO/PS Tezu
Dist. Lohit
Arunachal Pradesh.

20: Pikalum Kathak
Age:
Occupation :
S/o Lt. Karampom Kathak

Resident of Village Mekailiang
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh.

21: Bathamso Kathak
Age:
Occupation :
S/o Lt. Garampom Kathak

Resident of Village Makailiang
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh.

22: Badamso Kathak
Age:
Occupation :
S/o Garampom Kathak

Resident of Villlage Mekailiang
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh.

23: Chazalum Kathak
Age:
Occupation :
S/o Lt. Garampom Kathak

Resident of Village Mekailang
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh.

24: Bazalum Kathak
Age:
Occupation :
S/o Lt. Pehenlum Kathak

Resident of Village Railiang
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh.

25: Bafolum Kathak
Age:
Occupation :
S/o Lt. Pehelum Kathak

Resident of Village Railiang
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh.

26: Bagremso Kathak
Age:
Occupation :
S/o Lt. Pehenum Kathak

Resident of Village Pohayuliang
PO/PS Khupa
Dist. Lohit
Arunachal Pradesh.

27: Micky Kathak
Age:
Occupation :
S/o Thawelum Kathak

Resident of Village Railiang
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh.

28: Bamki Kathak
Age:
Occupation :
S/o Lt. Matanglum Kathak

Resident of Village Loiliang
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh.

29: Dangresha Kathak
Age:
Occupation :
S/o Lt. Thanu Kathak

Resident of Village Railiang
PO Hayuliang
PS Khupa
Dist. Lohit
Arunachal Pradesh.

30: Najamlum Kathak
Age:
Occupation :
S/o Sokhekum Kathak

Resident of Village Loiliang
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh.

31: Bawe Tayang
Age:
Occupation :
S/o Lt. T. Tayang

Resident of Village Tafragram

PO/PS Tezu
Dist. Lohit
Arunachal Pradesh.

32: Thorolum Tayang
Age:
Occupation :
S/o Lt. Brapamso Tayang

Resident of Village Tafragram
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh.

33: Tholongsu Tayang
Age:
Occupation :
S/o Lt. S. Tayang

Resident of Village Tafragram PO/PS Tezu. Dist. Lohit
Arunachal Pradesh.

34: Premanso Tayang
Age:
Occupation :

S/o Lt. B. Tayang

Resident of Village Tafragram

PO/PS Tezu

Dist. Lohit
Arunachal Pradesh.

35: Bachaklum Tayang

Age:

Occupation :

LT. C. Tayang

Resident of Village Tafragram

PO/PS Tezu

Dist. Lohit
Arunachal Pradesh.

36: Thalelum Tayang

Age:

Occupation :

S/o Lt. S. Tayang

Resident of Village Tafragram

PO/PS Tezu

Dist. Lohit
Arunachal Pradesh.

37: Novem Tayang

Age:

Occupation :

S/o Lt. S. Tayang

Resident of Village Tafragram

PO/PS Tezu

Dist. Lohit
Arunachal Pradesh.

38: Mojimsai Yun

Age:

Occupation :

W/o Lt. S. Yun

Resident Village of Huchuliang

PO/PS Tezu

Dist. Lohit
Arunachal Pradesh

VERSUS

THE STATE OF AP and 26 Ors.

Represented by the Chief Secretary to the Govt. of Arunachal Pradesh, Govt. of Arunachal Pradesh, Civil Secretariat, Itanagar, PS and PO Itanagar, Arunachal Pradesh 791111 2:The Secretary

Age: 0

Occupation :

(Land Management)

Department of Land Management

Govt. of Arunachal Pradesh

Itanagar

PO and PS Itanagar

Arunachal Pradesh

PIN 791111

3:The Director

Age: 0

Occupation :

of Land Management

Govt. of Arunachal Pradesh

ESS Sector

Itanagar

Arunachal Pradesh

PIN 791111

4:The Deputy Commissioner

Age: 0

Occupation :

Tezu

PO and PS Tezu

Lohit District

Arunachal Pradesh

PIN 792001

5:Bisaiso Chaitom

Age: 0

Occupation :

S/o Lt. Sotha Chaitom

Vill Loiliang

PO/PS Tezu

Dist. Lohit

Arunachal Pradesh

Pin 792001

6:Sojangso Yun

Age: 0

Occupation :
S/o Sokosu Yun.
Vill Loiliang

PO/PS Tezu
Dist. Lohit
Arunachal Pradesh
PIN 792001

7:Vikhelum Bellai
Age: 0
Occupation :
S/o Lt. L. Bellai

PO/PS Tezu
Dist. Lohit
Arunachal Pradesh
Pin 792001

8:Bathamlu Yun
Age: 0
Occupation :
W/o Lt. Sokai Yun

Vill. Loiliang

PO/PS Tezu
Dist. Lohit
Arunachal Pradesh
Pin 792001

9:Lobiso Chaitom
Age: 0
Occupation :
S/o Kayam Chaitom

Vill Loiliang
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh
PIN 792001

10:Moso Chiba
Age: 0
Occupation :
S/o Lt. Thakjum Chiba
Vill Rock Line
PO/PS Tezu Town

Dist. Lohit
Arunachal Pradesh
PIN 792001

11:Behemso Tayang
Age: 0
Occupation :
S/o Soti Tayang

Vill Loiliang
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh
PIN 792001

12:Santilu Nilang
Age: 0
Occupation :
W/o Sambu Chai

Vill. Chai Colony
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh
PIN 792001

13:Soplai Tayang
Age: 0
Occupation :
S/o Lt. C Tayang

Vill Tafariagam
Dist. Lohit
Arunachal Pradesh
PIN 792001

14:Khodelum Tayang
Age: 0
Occupation :
S/o Lt. B. Tayang

Vill. Tafragam
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh
PIN 792001

15:Thayem Mepo
Age: 0

Occupation :
S/o Lt. Kanupin Mepo
Vill. Loiliang
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh
PIN 792001

16:Solo Musu/Chaitom
Age: 0
Occupation :
S/o Lt. Saloku Musu

Vill Yealing
PO/PS Sunpura
Dist. Lohit
Arunachal Pradesh
PIN 792001

17:Sutik Krisikro
Age: 0
Occupation :
S/o Mayapso Krisikro

Vill. Telluliang
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh
PIN 792001

18:Bakhrim Chikro
Age: 0
Occupation :
S/o Lt. T. Chikro

Vill 19th Mile
PO/PS Sunpura
Dist. Lohit
Arunachal Pradesh
PIN 792001

19:Chojum Boo
Age: 0
Occupation :
S/o Lt. Barum Boo

Vill Loiliang
PO/PS Tezu
Dist. Lohit

Arunachal Pradesh
PIN 792001

20:Bayengso Draï
Age: 0
Occupation :
S/o Lt. S. Draï

Vill Loiliang
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh
PIN 792001

21:Batu Kathak
Age: 0
Occupation :
S/o Lt. B. Kathak

Vill Loiliang
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh
PIN 792001

22:Bafringlu Tai
Age: 0
Occupation :
W/o Bomju Tai

Vill Loiliang
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh
PIN 792001

23:Basalum Boo
Age: 0
Occupation :
S/o Lt. Yualum Boo
Vill. Loiliang
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh
PIN 792001

24:Bakli Draï
Age: 0
Occupation :

S/o Lt. Bachong Draï

Vill Loiliang
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh
PIN 792001

25:Nilalum Tayang
Age: 0
Occupation :
S/o Lt. Klelum Tayang

Vill Loiliang
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh
PIN 792001

26:Khogen Boo
Age: 0
Occupation :
S/o Lt. Sogen Boo
Vill. Loiliang
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh
PIN 792001

27:Soti Tayang
Age: 0
Occupation :
S/o Lt. G. Tayang

Vill. Loiliang
PO/PS Tezu
Dist. Lohit
Arunachal Pradesh
PIN 792001

28:THE UNION OF INDIA
Age: 0
Occupation :
represented by the Secretary
Ministry of Defence
Govt. of India
Central Secretariat
101-A
South Block

New Delhi-11

29:The General Officer Commanding-In-Chief

Age: 0

Occupation :

(COG-IN-C)

Eastern Command of Indian Army

Fort William Kolkata

West Bengal-700021

30:The Commander

Age: 0

Occupation :

181 Mountain Brigade

Lohitpur

Tezu

Lohit District

A.P

Advocate for the Petitioner : Sunil Mow, D Tatum,Tali Umbey,Aruna Rai,k N Maling,Chanya Bangsia,Sonam Tsomo,Ebo Mili,Madan Mili,T Siga

Advocate for the Respondent : GA (AP), Dugmar Kamduk,SC(Land Management),Marto Kato,Nyali Sora,M Tanga,T. Deliyang

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 25.09.2024

Heard Mr. D. Das, learned senior counsel, assisted by Mr. S. Mow, learned counsel for the petitioners. Also heard Ms. G. Ete, learned Additional Senior Govt Advocate; Mr. D. Kamduk, learned standing counsel for the Land Management Department; and Mr. M. Kato, learned counsel appearing for the private respondent nos.5 to 27.

2. The learned senior counsel for the petitioners prays for and is granted time to file affidavit-in-reply against the affidavit-in-opposition filed by the respondent no.4.

3. The learned counsel appearing for the respondent nos.5 to 27 also

prays for some time to file an affidavit-in-opposition in the matter.

4. There is no representation from the respondent nos.28 to 30.

5. The learned senior counsel for the petitioners has submitted that the land in question has been previously taken over by the State for setting up of an Army Camp and the initial notification was issued under the Land Acquisition Act, 1894. While the payment of compensation was not settled under the said notification, the Govt. of Arunachal Pradesh, through its Commissioner, Land Management, issued a notification No. LRE-5723/2014, dated 26.02.2014 under Section 10 of the Balipara/Tirap/Sadiya Frontier Tract Jhum Land Regulation, 1947 in respect of the land at (I) Denning Camp for 69.76 acres; (II) HQ 82Mt. Brigade, Lohitpur for 53.00 acres; and (III) Shivaji Nagar for 120.08 acres.

6. It is submitted that pursuant to direction issued by this Court in WP(C) 50(AP)/2021, decided on 24.02.2021, the Deputy Commissioner had passed an order dated 19.05.2022 in connection with the notification No. LRE-5723/2014, dated 26.02.2014 and concluded that the matter of ownership has already been disposed of by the District Administration in the year 2011 and accordingly, the representation for inclusion of names of the present petitioners as beneficiaries was not considered and the matter was disposed of. The said order dated 19.05.2022 is under challenge in the present writ petition.

7. The learned senior counsel for the petitioners has submitted that while disposing of the said proceedings, the acquisition vide notification No. LRE-5723/2014, dated 26.02.2014 was not at all considered.

8. Referring to the affidavit-in-opposition filed by the respondent no.4, the learned Additional Senior Govt. Advocate has also reiterated and referred to the stand taken in the decision of the Deputy Commissioner, Lohit District in his order dated 19.05.2022.

9. Having regard to the hereinbefore referred notification No. LRE-5723/2014, dated 26.02.2014 (Annexure-4), the Court is inclined to put a query to the learned Additional Senior Govt. Advocate as to whether the State admits the issuance of the said notification. The said query is also directed to the learned standing counsel for the Land Management Department. On the next date, the respondent nos.1 and 4 as well as respondent nos.2 and 3 are put to notice to respond to the Court query.
10. In the meanwhile, the parties are permitted to exchange their affidavits.
11. The learned senior counsel for the petitioners has prayed for interim relief.
12. Issue notice on the prayer for interim relief returnable in 4 (four) weeks.
13. In the meantime and till then next date of listing, the Deputy Commissioner, Lohit District, Tezu shall not release the compensation amount to any beneficiaries without the leave of the Court.
14. The petitioners shall produce a certified copy of this order before the Deputy Commissioner, Lohit District, Tezu to bring the order to the notice of the said authority.
15. List after 4 (four) weeks.

JUDGE

Comparing Assistant