

GAHC040012552024



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

Case No. : IA(C)/173/2024

Nabro Natung and Anr
Mandal President BJP, Upper Pakke Kessang, PO, PS and District Pakke Kessang,
Arunachal Pradesh. 2: Pani Tayam
Age:
Occupation :
President
Pakke Kessang BJP Unit
Arunachal Pradesh

VERSUS

Bampu Nabam and 10 Ors
Son of Tarum Nabam, resident of Suchung, PO, PS and District Pakke Kessang,
Arunachal Pradesh. 2: Ringso Natung
Age: 39
Occupation :
Son of Late Tassar Natung
resident of Sede
PO
PS and District Pakke Kessang
Arunachal Pradesh.

3: Karling Natung
Age: 39
Occupation :
Son of Shri Taji Natung
resident of Sede
PO and PS Pakke Kessang
Pakke Kessang District
Arunachal Pradesh

4: Martin Brah
Age: 28

Occupation :
Son of Shri Hamak Brah
resident of Sede
PO and PS Pakke Kessang
Pakke Kessang District
Arunachal Pradesh

5:Gegung Natung
Age: 28
Occupation :
Son of Shri Tapia Natung
resident of Patiwa
PO and PS Pakke Kessang
Pakke Kessang District
Arunachal Pradesh

6:Smti Senia Tajo
Age: 32
Occupation :
Son of Shri Parsing Tachang
resident of Pakso
PO and PS Pakke Kessang
Pakke Kessang District
Arunachal Pradesh

7:Baddo Nabam
Age: 45
Occupation :
Son of Late Sera Nabam
resident of Keko
PO and PS Pakke Kessang
Pakke Kessang District
Arunachal Pradesh

8:Saha Nabam
Age: 58
Occupation :
Son of Late Taming Nabam
resident of Lower Bazarline
PO and PS Pakke Kessang
Pakke Kessang District
Arunachal Pradesh

9:Tango Nabam
Age: 37
Occupation :
Son of Shri Nikia Nabam
resident of Keko

PO and PS Pakke Kessang
Pakke Kessang District
Arunachal Pradesh

10:Naga Tech
Age: 35
Occupation :
Son of Shri Tapak Tech
resident of Mungla/ Hote
PO and PS Pakke Kessang
Pakke Kessang District
Arunachal Pradesh

11:Smti Yalar Kino
Age: 57
Occupation :
Wife of Shri Tatum Kino
resident of Baliso
PO and PS Pakke Kessang
Pakke Kessang District
Arunachal Pradesh

Advocate for the Petitioner : Puto Bui, Tashap Nima

Advocate for the Respondent : Taba Tagum,

Linked Case : WP(C)/334/2024

Bampu Nabam and 10 ors
Age: 44
Occupation :
Address:Son of Shri Tarum Nabam
resident of Suchung
PO and PS Pakke Kessang
Pakke Kessang District
Arunachal Pradesh
2: Ringso Natung
Age: 39
Occupation :
Address:Son of Late Tassar Natung
resident of Sede
PO and PS Pakke Kessang
District Pakke Kessang

Arunachal Pradesh

3: Karling Natung

Age: 39

Occupation :

Address:Son of Shri Taji Natung

resident of Sede

PO and PS Pakke Kessang

Pakke Kessang District

Arunachal Pradesh

4: Martin Brah

Age: 28

Occupation :

Address:Son of Shri Hamak Brah

resident of Sede

PO and PS Pakke Kessang

Pakke Kessang District

Arunachal Pradesh

5: Gegung Natung

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Occupation :

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Pakke Kessang District

Arunachal Pradesh

6: Senia Tajo Tachang

Age: 32

Occupation :

Address:Son of Shri Parsing Tachang

resident of Pakso

PO and PS Pakke Kessang

Pakke Kessang District

Arunachal Pradesh

7: Baddo Nabam

Age: 45

Occupation :

Address:Son of Late Sera Nabam

resident of Keko

PO and PS Pakke Kessang

Pakke Kessang District

Arunachal Pradesh

8: Saha nabam

Age: 58
Occupation :
Address: Son of Late Taming Nabam
resident of Lower Bazarline
PO and PS Pakke Kessang
Pakke Kessang District
Arunachal Pradesh

9: Tango Nabam Hina
Age: 37
Occupation :
Address: Son of Shri Nikia Nabam
resident of Keko
PO and PS Pakke Kessang
Pakke Kessang District
Arunachal Pradesh

10: Naga Techhi
Age: 35
Occupation :
Address: Son of Shri Tapak Techhi
resident of Mungla/ Hote
PO and PS Pakke Kessang
Pakke Kessang District
Arunachal Pradesh

11: Smti Yalar Kino
Age: 57
Occupation :
Address: Wife of Shri Tatum Kino
resident of Baliso
PO and PS Pakke Kessang
Pakke Kessang District
Arunachal Pradesh
VERSUS

The State of AP and 5 Ors
Age: 0
Occupation :
Address: represented by the Secretary
Department of Panchayati Raj
Govt of Arunachal Pradesh
Itanagar
2: The Deputy Commissioner
Age: 0
Occupation :
Address: Lemmi
Pakke Kessang District

Arunachal Pradesh

3:The Member Secretary cum CO

Age: 0

Occupation :

Address:Gram Panchayat

Pakke Kessang District

Arunachal Pradesh

4:Bani Lego

APCS

Age: 0

Occupation :

Address:Office of the Deputy Commissioner Pakke Kessang District

Arunachal Pradesh

5:Pani Tayam

President

Age: 0

Occupation :

Address:Pakke Kessang District BJP Unit

Arunachal Pradesh

6:Nabro Natung

Age: 0

Occupation :

Address:Mandal President BJP Upper Pakke Kessang

Pakke Kessang District

Arunachal Pradesh

Advocate for : Taba Tagum

Advocate for : GA (AP) appearing for The State of AP and 5 Ors: Advocate ,

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, appearing for 2,

3,

4,

5,

6, respectively.

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

ORDER

Date : 19.09.2024

Heard Mr. P. Bui, learned counsel for the applicants. Also heard Mr. R. Koyu, learned counsel for all the opposite parties (writ petitioners).

2. This interlocutory application has been filed with a prayer for vacating the interim stay order dated 16.08.2024, passed in the connected WP(C) 334(AP)/2024. By the said order, the disqualification order dated 22.07.2024, passed by the competent authority in exercise of powers under the Arunachal Pradesh Local Authorities (Prohibition of Defection) Act, 2003, was stayed.

3. The learned counsel for the applicants has submitted that the material facts have been suppressed in the writ petition to obtain the interim order.

4. In this regard, by referring to the documents appended to this interlocutory application, it is submitted that the opposite parties (writ petitioners) had resigned from the membership of the political party on 20.04.2024, which was accepted by the competent person of the said political party by acceptance letter dated 20.04.2024, which was annexed in respect of 6 (six) of the opposite parties. The said 6 (six) opposite parties are opposite party nos.3, 7, 8, 9, 10 and 11.

5. In view of the said projection, issue notice returnable on 30.09.2024.

6. Objection, if any, shall be positively filed within 29.09.2024.

7. As the suppression of material facts are alleged, it is made clear that no adjournment shall be granted to the opposite parties on the next date of

listing.

8. Interim order dated 16.08.2024, passed in WP(C) 334(AP)/2024 stands extended till 30.09.2024.

9. List on 30.09.2024.

JUDGE

Comparing Assistant