

GAHC040011432023



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

Case No. : Cont.Cas(C)/27/2023

Dondup Jamchen
S/o Chime Dorjee,
Permanent Resident of Gelling Village, PO/PS Tuting, District Upper Siang,
Arunachal Pradesh.

VERSUS

(R No.1 deleted) and 8 Ors.
Deleted vide order dated 09.12.2024 2:Giridhar Aramane
Age: 0
Occupation :
Defence Secretary
Ministry of Defence
Govt. of India
101 A
South Block
New Delhi 110011

3:G S Rajeswaran
Age: 0
Occupation :
Director General Defence Estates
Raksha Sampada Bhawan
Ulaanbaatar Road
Ministry of Defence
Delhi Cantt. 110010

4:S. N. Gupta
Age: 0
Occupation :
Principal Director
Defence Estates
Eastern Command

Ministry of Defence
13 Camac Street
7th Floor
Kolkata 700013

5:Koli Akash Santosh
Age: 0
Occupation :
Defence Estates Officer
Itanagar Circle
Camp at Model Village
Naharlagun
Arunachal Pradesh 791110

6:Kiran S Rahul
Age: 0
Occupation :
Commanding Officer
8th Maratha Light Infantry Regiment
Tuting
Upper Siang District
Arunachal Pradesh.

7:Anurag Panwar
Age: 0
Occupation :
Commanding Officer
4/1 Gurkha Regiment
Rayang under Sub Division Ruksin
East Siang District
Arunachal Pradesh.

8:Pankaj Kumar Jha
Age: 0
Occupation :
Secretary Land Management
Govt. of Arunachal Pradesh
Itanagar
PO/PS Itanagar
Papum Pare District
Arunachal Pradesh.

9:Hage Lailang
Age: 0
Occupation :
Deputy Commissioner
Yingkiong
Upper Siang District

Govt. of Arunachal Pradesh
PO/PS Yingkiong
Arunachal Pradesh

Advocate for the Petitioner : Nikita Danggen, K Chotton, Y Dagiam, P Siga, Honi Tana Tara, Oken Duggong

Advocate for the Respondent : 1 Y Doloi, S Taye, Jobang Modi, Noni Nobeng, Orin Modi

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 07.04.2025

Heard Mr. O. Duggong, learned counsel for the petitioner. Also heard Ms. A. Gayan, learned CGC appearing for respondent nos. 3, 4 and 5 Mr. Y. Doley, learned counsel for the respondent no.7 and Mr. N. Hari, learned counsel appearing for respondent no.9.

2. Willful disobedience of the order dated 14.06.2022 passed by this Court in WP(C) 493(AP)/2019 is alleged in this contempt petition filed under Article 215 of the Constitution of India read with Section 12 of the Contempt of Courts Act, 1971.

3. The learned counsel for the respondent no.7 has submitted that the order under contempt constitutes of two parts. First, being a direction upon respondents in WP(C) 493(AP)/2019 to make payment of the arrear rent as per the willingness certificate dated 25.01.2021 within a period of 45 days from the date of the order. The second part relates to the negotiation for coming to an agreement for future rent for which there is a direction that the same may be held within 45 days on a date to be fixed by the Deputy Commissioner, Upper Siang District by informing the stakeholders and it was made clear that the rate

fixed will have a loss for periodical enhancement in view of the escalation in prices.

4. From the affidavit in opposition filed by the respondent nos.3 to 5 and 7, it is seen that all arrear payments of rent up to 31.03.2023 has been cleared. Therefore, what remains is the subsequent rent from 01.04.2023 till the current period. Therefore, insofar as all appearing respondents except the respondent no.9 is concerned, they have demonstrated that the direction insofar as they are concerned has been complied with.

5. Therefore, for the time being, we exempt respondent nos. 3, 4, 5 and 7 from the personal appearance on the next date of listing and they can be represented by their learned counsel through video conferencing on the next date, with liberty to the learned counsel for the said respondents to extend the exemption from personal appearance on future dates.

6. However, till date the respondent no.9 who is the Deputy Commissioner, Upper Siang District has not filed the affidavit-in-opposition and he has not been able to demonstrate that he had done the needful in terms of second directions contained in paragraph 9 of the order that he had taken steps to hold a meeting for the settlement of future rent within a period of 45 days from the date of the order.

7. The respondent no.9, had failed to appear and demonstrate that he had complied with the directions. Accordingly, he is put to notice that as no order has been passed to exempt his personal appearance, the respondent no.9 shall ensure that an affidavit-in-opposition is positively filed within 22.04.2025 failing which, the respondent no.9 is directed to personally appear before this Court on 10.30 AM on 25.04.2025 with all the relevant records and to show that his part

of the direction has been complied with.

8. The learned counsel for respondent no.9 has submitted that he has instruction that the respondent no.9 is no longer the Deputy Commissioner of Upper Siang District. Accordingly, the learned counsel for the petitioner shall take note that the respondent no.9 is no longer Deputy Commissioner of Upper Siang District and take such appropriate steps to implead the new incumbent as they may be so advised, but after putting the new incumbent to notice that the order dated 14.06.2022 has to be complied with.

9. List on 25.04.2025.

JUDGE

Comparing Assistant