

GAHC040011482025



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

Case No. : WP(C)/312/2025

Bajum Bam
aged about 40 years, S/o Late Karba Bam, R/o village Dari, P/O New Dari, P.S Basar,
Leparada District, AP

VERSUS

The State of AP and 4 Others
represented by the Secretary, Land Management Department, Govt. of AP, Itanagar
2:The Secretary (Home)

Age: 0
Occupation :
Govt. of AP
Itanagar

3:The Secretary
Health and Family Welfare

Age: 0
Occupation :
Govt. of AP
Itanagar

4:The Deputy Commissioner

Age: 0
Occupation :
Basar
Leparada District
AP

5:The Executive Engineer

Age: 0
Occupation :
Department of UD and Housing Basar Divisio

Advocate for the Petitioner : Dugmar Kamduk, P Tashi,Mitem Ratan,Bate Joel Koyu,Lokam
Tadam,Mipe Ete

Advocate for the Respondent : GA (AP), SC (Health and Family),Taba Tagum

**BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 21-07-2025

Heard Mr. D. Kamduk, learned counsel for the petitioner.

2. The petitioner, claiming to be in possession of inherited land measuring 12,58,660 sq.mtrs at Dari, Leparada district duly certified by the Gram Panchayat Chairperson and the Head GB of Old Dari, Leparada district has approached this court under Article 226 of the Constitution of India, challenging the decision of the state Government to utilize the said land for construction of a new Police Outpost and for upgradation of the Public Health Centre (PHC) to a Community Health Centre (CHC).

3. It is the case of the petitioner that the land has neither been acquired by the Government nor donated by the petitioner, and that despite representation, no decision has been taken by the authorities to address the grievance. It is further urged that proceeding with construction without acquisition or consent violates the petitioner's constitutional and properties rights.

4. Thus, the petitioner prays for setting aside and quashing of the impugned office Order no. EE/UD/BSR/POLICE OUTPOST/2023-2024 dated

28.08.2024 issued by the Executive Engineer Department of UD & Housing Basar Division for construction of the Police Outpost at New Dari, and the impugned order no. MDEV-914/2025 dated 28.05.2025 issued by the Deputy Secretary (Health & Family Welfare) Government of Arunachal Pradesh for upgradation of PHC to CHC on the private land of the petitioner.

5. Issue notices, returnable by 4 (four) weeks.

6. Since Ms. G. Ete, learned Addl. Senior Government Advocate appeared and accepted notice on behalf of respondent nos. 1, 2, 4 and 5, and Mr. T. Tagum, learned Standing counsel for the Health Department appeared and accepted notice on behalf of respondent no. 3, no formal notice need be issued to the said respondents. However, the petitioner shall furnish requisite extra copies of the petition to the learned counsel appearing on behalf of the respondents during the course of the day.

7. Having heard the learned counsel for the parties, it is provided that the ownership of the land under which the construction of the Police Outpost and upgradation of PHC to CHC at New Dari, shall be subject to the outcome of this writ petition.

8. List this matter after 4 (four) weeks.

JUDGE

Comparing Assistant