

GAHC040012012024



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

Case No. : WP(C)/404/2024

July Rukbo and 89 Ors
Son of Sri Nonggan Rukbo,
Resident of Leging Village, P.O. and P.S. Pasighat, East Siang District, Arunachal Pradesh PIN 791102 2: Opang Loyi

Age:

Occupation :

Son of Sri Kirmin Loyi
Resident of Leging Village
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102

3: Kaling Moyong

Age:

Occupation :

Son of Sri Nanom Myong
Resident of Leging Village
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102

4: Malut Borang

Age:

Occupation :

Son of Lt. Lima Borang
Resident of Leging Village
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102

5: Makbul Pertin

Age:

Occupation :

Son of Lt. Kirmang Pertin
Resident of Leging Village
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102

6: Dr Kapang Kobe
Age:
Occupation :
Son of Lt. Tatem Kobe
Resident of Leging Village
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102

7: Dr Nong Borang
Age:
Occupation :
Son of Lt. Lima Borang
Resident of Leging Village
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102

8: Dr Subash Rukbo
Age:
Occupation :
Son of Sri Nonggan Rukbo
Resident of Leging Village
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102

9: Er. Oni Jamoh
Age:
Occupation :
Son of Lt. Matsan Jamoh
Resident of Mirku Village
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

10: Er D K Padung
Age:
Occupation :
Son of Sri Tadang Padung
Resident of Mirbuk Village
P.O. and P.S. Pasighat

East Siang District
Arunachal Pradesh PIN 791102.

11: Er Sobo Sitang
Age:
Occupation :
Son of Sri Tajing Sitang
Resident of Mirku Dapi
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

12: Er Tajong Jerang
Age:
Occupation :
Son of Lt. Talong Jerang
Resident of Tebo Village
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

13: Shri Rustom Rukbo
Age:
Occupation :
Son of Sri Nonggan Rukbo
Resident of Leging Village
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

14: Taku Lomtung
Age:
Occupation :
Son of Sri Tangyat Lomtung
Resident of Leging Village
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

15: Bakin Darang
Age:
Occupation :
Son of Lt. Tagom Darang
Resident of Diking
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

16: Tamuli Sitang
Age:
Occupation :
Son of Lt. Talem Sitang
Resident of Leging Village
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

17: Obit Dai
Age:
Occupation :
Son of Lt. Lome Dai
Resident of Leging Village
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

18: Tani Padung
Age:
Occupation :
Son of Sri Tator Padung
Mirem Village
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

19: Iri Kaye
Age:
Occupation :
Son of Sri Tai Kaye
Resident of Leging Village
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

20: Abu Doming
Age:
Occupation :
Son of Sri Tayon Doming
Resident of Leging Village
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

21: Otem Moyong
Age:
Occupation :

Son of Lt. Papang Moyong
Resident of Yapgo
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

22: Ojing Rukbo
Age:
Occupation :
Son of Lt. Abuk Rukbo
Resident of Diking
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

23: Tagom Tamuk
Age:
Occupation :
Son of Lt. Taki Tamut
Resident of Gune
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

24: Ayem Darang
Age:
Occupation :
Son of Takok Darang
Resident of Leging Village
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

25: Aloko Siram
Age:
Occupation :
Son of Lt. Tadang Siram
Resident of Mirsam
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

26: Karsing Moyong
Age:
Occupation :
Son of Lt. Orin Moyong
Resident of Mirsam
P.O. and P.S. Pasighat

East Siang District
Arunachal Pradesh PIN 791102.

27: Kalom Darang

Age:

Occupation :

Son of Lt. Tajir Darang

Resident of Rayang

P.O. and P.S. Pasighat

East Siang District

Arunachal Pradesh PIN 791102.

28: Tatak Mibang

Age:

Occupation :

Son of Lt. Tanyi Mibang

Resident of Leging Village

P.O. and P.S. Pasighat

East Siang District

Arunachal Pradesh PIN 791102.

29: Taban Tabing

Age:

Occupation :

Son of Lt. Talok Tabing

Resident of Leging Village

P.O. and P.S. Pasighat

East Siang District

Arunachal Pradesh PIN 791102.

30: Tapi Darang

Age:

Occupation :

Son of Lt. Tasing Darang

Resident of Leging Village

P.O. and P.S. Pasighat

East Siang District

Arunachal Pradesh PIN 791102.

31: Rakesh Takseng

Age:

Occupation :

Son of Sri Rupir Tekseng

Resident of Leging Village

P.O. and P.S. Pasighat

East Siang District

Arunachal Pradesh PIN 791102.

32: Otem Ering

Age:

Occupation :

Son of Sri Lt. Talu Ering

Resident of Leging Village

P.O. and P.S. Pasighat

East Siang District

Arunachal Pradesh PIN 791102.

33: Omuk Moyong

Age:

Occupation :

Son of Lt. Badang Moyong

Resident of Leging Village

P.O. and P.S. Pasighat

East Siang District

Arunachal Pradesh PIN 791102.

34: Makyon Dai

Age:

Occupation :

Son of Lt. Minkeng Dai

Resident of Tebo Village

P.O. and P.S. Pasighat

East Siang District

Arunachal Pradesh PIN 791102.

35: Uku Dai

Age:

Occupation :

Son of Lt. Lakling Dai

Resident of Mirbuk

P.O. and P.S. Pasighat

East Siang District

Arunachal Pradesh PIN 791102.

36: Jony Dai

Age:

Occupation :

Son of Sri Ojing Dai

Resident of Balek

P.O. and P.S. Pasighat

East Siang District

Arunachal Pradesh PIN 791102.

37: Obang Mengu

Age:

Occupation :

Son of Lt. Opak Mengu
Resident of Napit
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

38: Oto Dai
Age:
Occupation :
Son of Lt. Jomut Dai
Resident of Berung
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

39: Taboh Darang
Age:
Occupation :
Son of Sri Tapak Darang
Resident of Leging Village
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

40: Nuting Talong
Age:
Occupation :
Son of Lt. Takar Talong
Resident of Tebo
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

41: Anand Dai
Age:
Occupation :
Son of Sri Dul Dai
Resident of Debing
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

42: Kadum Darin
Age:
Occupation :
Son of Sri Yon Darin
Resident of Balek
P.O. and P.S. Pasighat

East Siang District
Arunachal Pradesh PIN 791102.

43: Miss Yaimang Padung
Age:
Occupation :
Daughter of Lt. Dulem Padung
Resident of Leging Village
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

44: Smti Olak Rukbo
Age:
Occupation :
Daughter of Lt. Okur Moyong
Resident of Leging Village
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

45: Smti Inty Mize Lollen
Age:
Occupation :
Daughter of Lt. Talut Mize
Resident of Mirbuk
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

46: Tatem Taggu
Age:
Occupation :
Son of Lt. Tago Taggu
Resident of Leging Village
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

47: Smti Yaming Tapak Eko
Age:
Occupation :
Son of Lt. Tatin Tapak
Resident of Sibo Siang
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

48: Tokong Pertin

Age:

Occupation :

Son of Lt. Lipang Pertin

Resident of Leging Village

P.O. and P.S. Pasighat

East Siang District

Arunachal Pradesh PIN 791102.

49: Tangasing Dai

Age:

Occupation :

Son of Lt. Otong Dai

Resident of Balek

P.O. and P.S. Pasighat

East Siang District

Arunachal Pradesh PIN 791102.

50: Kaling Adum Dai

Age:

Occupation :

Son of Lt. Mingkeng Dai

Resident of Balek

P.O. and P.S. Pasighat

East Siang District

Arunachal Pradesh PIN 791102.

51: Bombayi Dai

Age:

Occupation :

Son of Sri Obang Dai

Resident of Yapgo Village

P.O. and P.S. Pasighat

East Siang District

Arunachal Pradesh PIN 791102.

52: Makyar Jamoh

Age:

Occupation :

Son of Lt. Oyem Jamoh

Resident of Tigra Mirbuk

P.O. and P.S. Pasighat

East Siang District

Arunachal Pradesh PIN 791102.

53: Genom Perme

Age:

Occupation :

Son of Late Agam Perme
Resident of Mirsam
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

54: Nangkong Perme
Age:
Occupation :
Son of Lt. Apel Perme
Resident of Mirku Dapi
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

55: Peter Tali
Age:
Occupation :
Son of Lt. Tanyi Tali
Resident of Paglek
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

56: Takesh Gammeng
Age:
Occupation :
Son of Lt. Tapang Gammeng
Resident of Ruying Colony
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

57: Talong Tatak
Age:
Occupation :
Son of Late Tahong Tatak
Resident of Rumgong
Siang District
Arunachal Pradesh.

58: Kabuk Pertin
Age:
Occupation :
Son of Lt. Tamer Pertin
Resident of High Region
P.O. and P.S. Pasighat
East Siang District

Arunachal Pradesh PIN 791102.

59: Peyom Jini

Age:

Occupation :

Son of Dope Jini

Resident of Logum Jini

West Siang District

Arunachal Pradesh.

60: Onyok Passing

Age:

Occupation :

Son of Sri Ekum Passing

Resident of Komkar Village

Upper Siang District

Arunachal Pradesh

PIN 791002.

61: Oter Gao

Age:

Occupation :

Son of Lt. Obang Gao

Resident of Mebo

P.O. and P.S. Pasighat

East Siang District

Arunachal Pradesh PIN 791102.

62: Hori Mibang

Age:

Occupation :

Son of Lt. T. Mibang

Resident of Gumin Nagar

P.O. and P.S. Pasighat

East Siang District

Arunachal Pradesh PIN 791102.

63: Tamur Pajing

Age:

Occupation :

Son of Lt. Tarung Pazing

Resident of Lokpeng Village

P.O. and P.S. Pasighat

East Siang District

Arunachal Pradesh PIN 791102.

64: Atop Lego

Age:

Occupation :
Son of Late Apor Lego
Resident of Raneghat
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

65: Genom Tekseng
Age:
Occupation :
Son of Tabiram Tekseng
Resident of Leging Village
PO and PS Pasighat
East Siang District
Arunachal Pradesh PIN 791102

66: Smti Oni Panyang
Age:
Occupation :
Wife of Lt. Nyanung Panyang
Resident of Ngorlung Village
P.O. and P.S. Pasighat

East Siang District
Arunachal Pradesh PIN 791102.

67: Smti Donyi Tamut
Age:
Occupation :
Son of Sri Tahak Tamut
Resident of Pessing Village
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

68: Tabu Pazing
Age:
Occupation :
Son of Sri Tapiam Pazing
Resident of P.I. Colony
Aalo
West Siang District
Arunachal Pradesh
PIN 791001.

69: Mingkeng Yomso
Age:
Occupation :

Son of Sri Tabong Yomso
Resident of Kelek
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

70: Mongol Yomso
Age:
Occupation :
Resident of Mirku
P.O. and P.S. Pasighat

East Siang District
Arunachal Pradesh PIN 791102.

71: Taget Tamuk
Age:
Occupation :
Resident of Mongku Village
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

72: Kadum Jamoh
Age:
Occupation :
Resident of Mirbuk Village
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

73: Kaling Dai
Age:
Occupation :
Resident of Yapgo
P.O. and P.S. Pasighat

East Siang District
Arunachal Pradesh PIN 791102.

74: Commin Mekir
Age:
Occupation :
Resident of Kelek Village
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

75: Miloko Ering
Age:
Occupation :
Resident of Diking Village
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

76: Thaimur Jamoh
Age:
Occupation :
Resident of Mirku Village
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

77: Tagom Jamoh
Age:
Occupation :
Resident of Tigra Village
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

78: Tapang Dai
Age:
Occupation :
Resident of High Region
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

79: Essac Jamoh
Age:
Occupation :
Resident of High Region
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

80: Kamin Moyong
Age:
Occupation :
Son of Sri Ogum Moyong
Resident of Mirsam
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

81: Tanny Gao

Age:

Occupation :

Resident of Kelek Mirbu

P.O. and P.S. Pasighat

East Siang District

Arunachal Pradesh PIN 791102.

82: Tajom Tasung

Age:

Occupation :

Resident of Boying Village

P.O. and P.S. Pasighat

East Siang District

Arunachal Pradesh PIN 791102.

83: Ogam Apum

Age:

Occupation :

Son of Lt. Bankin Apum

Resident of Diking Village

P.O. and P.S. Pasighat

East Siang District

Arunachal Pradesh PIN 791102.

84: Opang Moyong

Age:

Occupation :

Son of Sri Obang Moyong

Resident of Rassam Village

P.O. and P.S. Pasighat

East Siang District

Arunachal Pradesh PIN 791102.

85: Kanggong Dai

Age:

Occupation :

Son of Lt. Oni Dai

Resident of Diking Village

P.O. and P.S. Pasighat

East Siang District

Arunachal Pradesh PIN 791102.

86: Tame Taki

Age:

Occupation :

Son of Lt. Tatong Taki

Resident of Mirsam
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

87: Okang Moyong
Age:
Occupation :
Son of Lt. Obang Moyong
Resident of Rassam Village
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

88: Oling Moyong
Age:
Occupation :
Son of Lt. Samak Moyong
Resident of Rassam Village
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

89: Tobom Dai
Age:
Occupation :
Son of Sri Tobuk Dai
Resident of Boying Village
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102.

90: Okom Siram
Age:
Occupation :
Resident of Yagrung Village
P.O. and P.S. Pasighat
East Siang District
Arunachal Pradesh PIN 791102

VERSUS

The State of AP and 7 Ors
represented by the Secretary, Department of Environment, Forest and Climate
Change, Govt of Arunachal Pradesh, Itanagar 791111 2:The Secretary (Forest)
Age: 0
Occupation :
Govt of Arunachal Pradesh

Itanagar 791111

3:The Deputy Commissioner cum Forest Settlement Officer

Age: 0

Occupation :

Pasighat

East Siang District

Arunachal Pradesh 791102.

4:The Chief Conservator of Forests

Age: 0

Occupation :

Department of Environment

Forests and Climate Change

Government of Arunachal Pradesh

Itanagar 791111.

5:The Conservator of Forests

Age: 0

Occupation :

Central Circle

Pasighat

East Siang District

Arunachal Pradesh 791102.

6:The Divisional Forest Officer

Age: 0

Occupation :

Pasighat Forest Division

Pasighat

East Siang District

Arunachal Pradesh 791102.

7:The Estate Officer

Age: 0

Occupation :

Pasighat

East Siang District

Arunachal Pradesh 791102.

8:The Union of India

Age: 0

Occupation :

Represented by the Secretary (EF and CC)

Ministry of Environment

Forest and Climate Change

Government of India

Indira Paryavaran Bhawan

Jorbagh Road

New Delhi 110003

Advocate for the Petitioner : Parswajyoti Das Nair, Eddie Payeng, Kamal Saxena

Advocate for the Respondent : GA (AP), DSGI, Marto Kato

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

ORDER

Date : 03.04.2025

Mr. K. Saxena, learned counsel for the petitioner, Mr. N. Lowang, learned Senior Govt. Advocate and Mr. M. Kato, learned DSGI appearing for respondent no.8 are present.

2. The case of the petitioner is that a preliminary notification for 40 Sq. km. Sippi Reserved Forest was issued on 08.05.1980 and prayer made in this writ petition, amongst others, is for quashing of the said notification.

3. Although the respondent nos. 1, 2, 4, 5 and 6 have filed a joint affidavit-in-opposition, on perusal of the same, it is seen that the said affidavit does not disclose about the compliance of Section 5 to 15 and 17 of the Assam Forest Regulation, 1891 read with Section 3 of the Arunachal Pradesh (Construction of References to State Government) Regulation, 1965 as adopted and modified by the North Eastern Areas (re-organization) (Arunachal Pradesh) Adoption of Laws Order, 1972. In other words, the said affidavit does not reflect as to whether any proclamation by the Forest Settlement Officer was issued as per the requirement of Section 6; whether enquiry by the Forest Settlement Officer as required under Section 8; whether examination of claims relating to

practice of jhum cultivation as required under Section 10; whether any on claims to right of way on water course, pasture etc. as required under Sections 11 and 12; and the rights of pasture or to forest produces as required under Section 13 of the Assam Forest Regulation was done. Moreover, the final notification declaring of the forest reserve under Section 17 of the Assam Forest Regulation is also not referred to. Accordingly, the said affidavit is not found reliable by the Court and accordingly, the said affidavit does not help the Court in the adjudication of the matter. Accordingly, the same is rejected.

4. Accordingly, the Court grants 4(four) weeks to the respondent nos. 1, 2, 4, 5 and 6 to file a fresh affidavit-in-opposition and it is also provided that while instructions are issued to the learned Govt. advocate and when the affidavits are sworn, the concerned authority swearing the affidavit shall appraise himself/ herself with the provisions of the Assam Forest Regulation, 1891, specifically the provisions of Section 4 to 17 of the said Regulation.

5. The learned Senior Govt. Advocate shall transmit the downloaded copy of this order to the said respondent to bring this order to the notice of the said authority.

6. Liberty is granted to the respondent no.3 to file an affidavit-in-opposition, if so advised.

7. List after 4(four) weeks.

8. Interim order passed earlier stands extended till the next date of listing.

JUDGE

Comparing Assistant