

GAHC040012742025



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

Case No. : CRP/81/2025

Bengia Kassung
Son of Late Bengia Sagma, resident of Village Buyang, PO and PS Koloriang,
Kurung Kumey District, Arunachal Pradesh.

VERSUS

Chello Mupam
Son of Late Chello Taluk, resident of Village Chello, PO and PS Koloriang, Kurung
Kumey District, Arunachal Pradesh.

Advocate for the Petitioner : Taba Tagum, Along Tabang, Rup Techhi Tara, Hage Tai, Likha
Tabin, Rage Koyu

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 01-08-2025

Heard Mr. T. Tagum, learned counsel for the petitioner.

2. The petitioner filed this petition under Article 227 of the Constitution of India read with section 115 of the Civil Procedure Code, 1908 assailing the legality, validity, and propriety of the order dated 22.07.2025, passed by the learned Court of Civil Judge (Senior Division), Ziro in IA No.

32/2025 in Title Suit No. 14/2016, whereby the learned Civil Judge has directed the Deputy Commissioner, Kurung Kumey district not to disburse the compensation amount in favour of the petitioners (plaintiff in the title suit) whose name has appears and reflected in Serial No. 179 and 183 of the beneficiary list, until the conclusion of the title suit pending between the parties.

3. It is submitted that the aforementioned land reflected in Serial No. 179 and 183 belonging to the petitioner and are not the subject matter in the Title Suit no. 14/2016.

4. It is contended that impugned order has been passed in violation of the express bar contained in section 63 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act), which prohibits the civil from granting injunction in respect of matter pertaining to the subject of land acquisition and compensation covered under the Act, except the High Court of the concerned jurisdiction. The Section 63 of LARR Act, 2013, being relevant is reproduced below:

"63. Jurisdiction of civil courts barred.- No civil court (other than High Court under article 226 or article 227 of the Constitution or the Supreme Court) shall have jurisdiction to entertain any dispute relating to land acquisition in respect of which the Collector or the Authority is empowered by or under this Act, and no injunction shall be granted by any court in respect of any such matter."

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

6. Call for the scanned copy of the Trial court record.

7. The petitioner shall take steps upon the respondent by a registered post with AD as well as by usual process within a week from today.

8. In the meantime, it is provided that the operation of the impugned order dated 22.07.2025 passed by the Court of Civil Judge (Senior Division), Ziro in IA No. 32/2025 in Title Suit No. 14/2016, so far as it restrains the disbursement of compensation in respect of Serial No. 179 and 183 of the beneficiary list, shall remain stayed till the next returnable date.

9. The Deputy Commissioner, is at liberty to proceed under LARR Act,2013 and disburse compensation to the petitioner in accordance with law, if it is found that the said land is not part of the land under dispute in the pending title suit.

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

JUDGE

Comparing Assistant