

GAHC040013712022



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

Case No. : WP(C) 438/2022

1: Tam Tagung and 10 Ors
S/o Late Tam Hali,
R/o Regyar Village, Nyapin, PO and PS Nyapin, Kurung Kumey District, Arunachal Pradesh.
Contact No. 93627339688 (m)

2: Tadar Nikpo
S/o Late Tadar Maj

R/o Leyang Village
Nyapin
PO and PS Nyapin
Kurung Kumey District
Arunachal Pradesh.
Cont. No. 6022873953 (m)

3: Tadar Tasi
S/o Late Tadar Changriang

R/o Leyang Village
Nyapin
PO and PS Nyapin
Kurung Kumey District
Arunachal Pradesh.
Cont. 9362863932 (m)

4: Tadar Yakia
W/o Late Tadar Changriang

R/o Leyang Village
Nyapin
PO and PS Nyapin
Kurung Kumey District

Arunachal Pradesh
Cont no. 9362863932 (m)

5: Tadar Tai
S/o Late Tadar Takang

R/o Leyang Village
Nyapin
PO and PS Nyapin
Kurung Kumey Dstrict
Arunachal Pradesh
Cont No.9862501163 (m)

6: Tadar Taniu
S/o Late Tadar Tagi

R/o Leyang Village
Nyapin
PO and PS Nyapin
Kurung Kumey Dstrict
Arunachal Pradesh
Cont No. 9394604320 (m)

7: Tadar Tajuk
S/o Shri Tadar Nikpo
R/o Leyang Village
Nyapin
PO and PS Nyapin
Kurung Kumey Dstrict
Arunachal Pradesh
Cont No. 9485224509 (m)

8: Tai Doriak
S/o Late Tai Ekiong

R/o Peel Village
Sangram
PO and PS Sangram
Kurung Kumey District
Arunachal Pradesh.
Cont No 9612545780 (m)

9: Tai Yadik
W/o Late Tai Epak

R/o Peel Village
Sangram
PO and PS Sangram

Kurung Kumey District
Arunachal Pradesh
Cont No. 9362292507 (m)

10: Tai Bate
S/o Shri Tai Doriak

R/o Peel Village
PO and PS Sangram
Kurung Kumey District
Arunachal Pradesh.
Cont. No 8413827451 (m)

11: Bengia Sagung
S/o Shri Bengia Tangak

R/o Pari Village
PO/PS Koloriang
Kurung Kumey District
Arunachal Pradesh.
Cont. No. 9612032855 (m)

VERSUS

1:THE STATE OF AP and 16 Ors.
Represented through the Chief Secretary, Civil Secretariat, Itanagar, PO and PS
Itanagar, Arunachal Pradesh.

2:The Secretary cum Commissioner
Rural Work Department
Govt. of Arunachal Pradesh
Itanagar.

3:The Secretary
(RWD) Govt. of Arunachal Pradesh
Arunachal Pradesh Rural Roads Development Agency
Rural Works Department
C Sector
Itanagar 791111

4:The Commissioner
(Land Management) Civil Secretariat
Itanagar
Govt. of Arunachal Pradesh.

5:The Director
of Land Management
ESS Sector

Itanagar
Govt. of Arunachal Pradesh
Itanagar.

6:The Deputy Commissioner
Koloriang
Kurung Kumey District
Govt. of Arunachal Pradesh.

7:The Chief Engineer (PMGSY)
ARRDA
Rural Work Department
Itanagar
Govt. of Arunachal Pradesh

8:The Executive Engineer
Laaying Yangte Division
Sangram
Kurung Kumey District
Govt. of Arunachal Pradesh.

9:M/s Modern Engineering Enterprises
R/o C Sector
Itanagar
PO/PS Itanagar
Papum Pare District
Arunachal Pradesh.

10:M/s Gabharu Infracon Pvt. Ltd.
R/o Samuar Mansion
Block A
Flat No. 604
7th Floor
Chachal VIP Express Road
Guwahati 781022 (Assam)

11:M/s AK and B Associates
R/o A Sector
Naharlagun
Papum Pare District
Arunachal Pradesh.

12:M/s Lokam Yasi Carriage and Construction (Associates)
R/o D Sector
Naharlagun
PO and PS Naharlagun
PO and PS Naharlagun
Papum Pare District

Arunachal Pradesh.

13:M/s Kenge Construction Co.
R/o ESS Sector
Itanagar
PO and PS Itanagar
Papum Pare District
Arunachal Pradesh.

14:M/s Yuma Enterprise
C/o Executive Engineer
Laaying Yangte Division
Sangram
Kurung Kumey District
(AP)

15:The Principal Chief Conservator of Forest
Department of Forest
Environment and Climate Change
Govt. of A.P
Itanagar.

16:The Chairman and Member Secretary
Arunachal Pradesh State Pollution Control Board
Paryavaran Bhawan
Yupia Road Papu Hills
Naharlagun (AP)

17:The Divisional Forest Officer
Koloriang
Kurung Kumey District
Govt. of Arunachal Pradesh

Advocate for the Petitioner : Nalo Pada

Advocate for the Respondent : GA (AP)

BEFORE
HONBLE MRS. JUSTICE MARLI VANKUNG

ORDER

Date : 11-11-2022

Heard Mr. T. Shiva, learned counsel for the petitioners.

This petition, under Article 226 of the Constitution of India, has been filed by the petitioners, praying for issuance of appropriate writ against the respondents, to be compensated due to the construction of the PMGSY roads, Sangram-Nyapin PWD Road to Peel, Leyang to Majuriang, Road from BRTF Road to Tayeng village (Pari) and Bridge Point to Parsi Parlo CO HQ in Kurung Kumey District of Aruanchal Pradesh, whereby, the residential lands, Paddy fields, Agriculture lands, Cardamom Gardens, Horticulture lands, were damaged and affected.

The learned counsel for the petitioners also submits that the roads were constructed without getting forest clearance and environment clearance.

In view of the above, let notice of motion be issued calling upon the respondent to show cause as to why a Rule should not be issued as prayed for; and/or why such further or other order(s) should not be passed as to this Court may deem fit and proper. The notice is made returnable by 3 (three) weeks.

As Ms. K. Wangmo, learned Junior Government Advocate for the respondent nos. 1, 6, 15, 16 & 17 and Mr. G. Tarak, learned Standing counsel for the Rural Works Department, representing the respondent nos. 2, 3, 7 & 8, have entered appearance and accepted notice on behalf of their respective respondents, no formal notice is required to be sent. However, requisite extra-copies of the petition along with the documents appended thereto, be furnished to them, during the course of the day.

Steps for service of notice upon the remaining respondents be taken

by registered post with A/D card as well as by usual process, within 3 (three) days.

List the matter after 3 (three) weeks.

JUDGE

Comparing Assistant