

GAHC040014972025



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

**Case No. : WA/41/2025**

Smti Reshmi Yalla and 3 Ors  
Wife of Shri Siku Mimi, resident of Roing, Lower Dibang Valley District, Arunachal Pradesh 792110      2: Anjoli Yalla

Age:

Occupation :

Wife of Shri Simane Mili  
resident of Village Koronu Denlo  
Lower Dibang Valley District  
Arunachal Pradesh 792110

3: Emi Yalla

Age:

Occupation :

Wife of Shri Arun Mili  
resident of Arzoo Village  
Circle Anini  
Dibang Valley District  
Arunachal Pradesh 792101

4: Nana Yalla

Age:

Occupation :

Daughter of Late Nebu Yalla  
resident of Roing  
Mayu-II  
Lower Dibang Valley District  
Arunachal Pradesh 79211

VERSUS

The State of AP and 7 Ors  
represented by the Secretary, Land Management, Govt of Arunachal Pradesh, Civil Secretariat, Itanagar, PO Itanagar, Arunachal Pradesh.      2:The Director of Land

Management  
Age: 0  
Occupation :  
Govt of Arunachal Pradesh  
ESS Sector  
Itanagar  
Papumpare District  
Arunachal Pradesh

3:The Deputy Commissioner  
Age: 0  
Occupation :  
Anini  
Dibang Valley District  
Arunachal Pradesh

4:Ekuti Yalla  
Age: 28  
Occupation :  
Son of Amonge Yalla  
resident of Village Emuyi  
PO Etalin  
PS Anini  
Dibang Valley District  
Arunachal Pradesh 792101

5:Shaku Miso  
Age: 28  
Occupation :  
Son of Late Rati Miso  
resident of Village Emuyi  
PO Etalin  
PS Anini  
Dibang Valley District  
Arunachal Pradesh 792101

6:Ajay Miso  
Age: 35  
Occupation :  
Son of Late Achu Miso  
resident of Village Emuyi  
PO Etalin  
PS Anini  
Dibang Valley District  
Arunachal Pradesh 792101

7:Diben Miso  
Age: 33

Occupation :  
Son of Late Nake Miso  
resident of Village Emuyi  
PO Etalin  
PS Anini  
Dibang Valley District  
Arunachal Pradesh 792101

8:The Emuyi Community Land Preservation Society  
Age: 0  
Occupation :  
Emuyi  
Etalin  
Dibang Valley District  
792101  
Arunachal Pradesh

**Advocate for the Petitioner** : Sunil Mow, Aruna Rai,D Mazumdar, Sr. Advocate,Pankaj Borah,Tapi Nguki,Madan Mili,Chanya Bangsia,Tenzin Chhoten,A Linggi,Sonam Tsomo,k N Maling

**Advocate for the Respondent** : GA (AP),

**BEFORE**  
**HONBLE MR. JUSTICE SOUMITRA SAIKIA**  
**HONOURABLE MR. JUSTICE BUDI HABUNG**

**ORDER**

**04.09.2025**

**(S. SAIKIA, J)**

Heard Mr. D. Mazumdar, learned Senior Counsel assisted by Mr. Sunil Mow, learned counsel for the appellants. Also heard Mr. Y. Riram, learned Government Advocate for the State respondents.

This is an appeal assailing the judgment and order dated 22.08.2025, whereby the claims for equal compensation raised by the appellants in respect of land belonging to their father, which was acquired by the State, was rejected.

The learned Senior Counsel for the appellants submits that the learned Single Judge of this Court has delivered a judgment contrary to the provisions of

the Land Acquisition Act, 1894. The land belonging to the father of the appellants along with other similarly situated persons were acquired for public purposes. The learned Senior Counsel for the appellants submits that the question of award of compensation was initially addressed by the Deputy Commissioner then the claims made by the appellants were referred to the Village Committee namely respondent No.8 for decision. The respondent No. 8 subsequently decided that the daughters, widows and female heirs would be entitled to claim compensation to only 20% of the total compensation amount as opposed to the full compensation amount which will be awarded to the male heir of the landowners.

The learned Senior Counsel for the appellants submits that since the appellants' father was the original landowner, the appellants before this Court are the only legal heirs entitled to get their rightful share of compensation for the land acquired from their late father.

Referring to the Provisions of Section 11 of the Land Acquisition Act, 1894, Mr. D. Mazumdar, learned Senior Counsel for the appellants submits that the enquiry and award of compensation should be initiated by the collector in terms of the procedure prescribed under the said section.

Referring to sections 11(1)(iii), the learned Senior Counsel for the appellants submits that the apportionment compensation amongst all persons known or believed to be interested in the land are required to be apportioned whether or not they have appeared before him. The learned Senior Counsel for the appellants therefore, submits that even if the appellants did not appear previously, considering the fact that they are the legal heirs of the landowner, they are entitled to receive the full compensation that is required to be granted

to the landowners.

Referring to Section 30 of the said Act, the learned Senior Counsel submits that in the event of a dispute regarding the apportionment of compensation, the matter should be referred to the Court for decision.

Therefore, it was incumbent upon the Collector that where the apportionment could not be settled, to refer the matter to the Court. However, contrary to the provisions of Section 30 of the Act, the matter was referred to the village society, namely Respondent No. 8. The society in turn had taken the decision that only 20% of compensation will be apportioned for all the female members of the society, including the appellants.

The learned Senior Counsel for the appellants has fortified his submissions by placing reliance on the judgment of the Apex Court rendered in *Kamla Neti Vs. Special Land Acquisition Officer & Ors* reported in (2023) 3 SCC 528 wherein the learned Senior Counsel submits that in a matter before the Apex Court regarding the claim of equal share by the female members of the private community the Apex Court held that there would be no justification to deny the right of survivorship so far as the female member of the tribal community is concerned. When the daughter belonging to the non tribal community is entitled to equal share in the property of the father, there is no reason to deny such right to the daughter of the tribal community. Female tribal is entitled to parity with male tribal in intestate successions. To deny the equal right to the daughter belonging to the tribal community even after a period of 70 years of the Constitution of India under which right to equality is guaranteed, it is high time for the Central Government to look into the matter and if required, to amend the provisions of the Hindu Succession Act by which the

Hindu Succession Act is not made applicable to the members of the Schedule Tribe.

The learned Senior Counsel further refers to another recent judgment of the Apex Court rendered in *Ram Charan & Ors Vs. Sukhram & Ors* reported in *2025 SCC Online SC 1465* to support his contentions that denial of the female heir a right in the property only exacerbates gender division and discrimination, which the laws should ensure to weed out.

The learned Senior Counsel for the appellants therefore submits that the impugned judgment passed by the learned Single Judge be interfered with, set aside and quashed and the appropriate directions be issued to the Collector to ensure that a proper and equal share of compensation is awarded to the appellants.

Mr. Y. Riram, learned Government Advocate representing the respondent Nos. 1, 2 and 3 submits that there is no infirmity in the judgment and order passed by the Single Judge. Since a decision has already been made by respondent No. 8 as a community society, the apportionment has already been released. According to the learned Government Advocate the compensation amount has already been released. It is further submitted that during the entire proceeding there was no objection raised by the appellants before the Government authority.

Per contra Mr. D. Mazumdar, learned Senior Counsel for the appellants on instruction submits that the amount of compensation has not yet been released.

Having heard the learned counsel for the parties and upon perusal of the pleadings available on record, this Court is of the view that the matter requires further consideration. In light of the provisions of the Land Acquisition Act, 1894

read with the judgments rendered by the Apex Court, it appears that these aspects were prima facie not taken into consideration by the learned Single Judge when rendering the impugned judgment. The claims for compensation by Tribal female heirs of a landowner of a Tribal community appears to have been not adjudicated by the Collector as per the provisions of the Land Acquisition Act, 1984 and without taking note of the ration laid down by the Apex Court. This is prima-facie the view of this Court.

Accordingly, let the appeal be admitted

Issue notice returnable on 24.09.2025.

Since Mr. Y. Riyam, learned Government Advocate represents the respondent Nos. 1, 2 and 3, notices are waived. However, extra copies be furnished within a period of one week from today.

The appellants will ensure service of notice on respondents 4 to 8 by register with A/D along with usual course. The dasti service is also permitted to be routed through the Registry of this Court.

Issue notice on the interim prayer returnable on 24.09.2025.

Meanwhile, the Deputy Commissioner, Anini, Dibang Valley District shall ensure that the compensation amount, if not yet disbursed, shall not be released. In the event that the amount has already been released by the Deputy Commissioner to the Society, namely respondent No. 8, the society shall not release the amount belonging to the appellants till the next date fixed.

**JUDGE**

**JUDGE**

**Comparing Assistant**