

GAHC040015092024



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

Case No. : WP(C)/515/2024

Botu Rakshap and Anr
Son of Late Tagam Rakshap, permanent resident of Quying Village, PO and PS Tato,
Shi Yomi District, Arunachal Pradesh. 2: Ramesh Rakshap
Age:
Occupation :
Son of Late Gampe Rakshap
permanent resident of Quying Village
PO and PS Tato
Shi Yomi District
Arunachal Pradesh

VERSUS

The State of AP and 2 Ors
represented by the Secretary Land Management, Govt of Arunachal Pradesh, Itanagar
2:The Land Acquisition Collector/ Deputy Commissioner
Age: 0
Occupation :
Tato
Shi Yomi District
Arunachal Pradesh.

3:The Commandant
Age: 0
Occupation :
44 HQ BRTF
C/o BRTF 99 APO
Shi Yomi District
Arunachal Pradesh

Advocate for the Petitioner : Rintu Saikia, Idak Bam, Bomchi Taipodia, Hongmo Ete, Limi
Bam, Ligam Nochi

Advocate for the Respondent : Dugmar Kamduk, DSGI, Marto Kato, GA (AP), SC (Land Management)

-BEFORE-

HON'BLE MRS. JUSTICE MITALI THAKURIA

11.11.2024

Heard Mr. L. Nochi, learned counsel for the petitioners and Mr. D. Kamduk, learned Standing counsel for the Land Management Department/ respondent No. 1.

Also heard Mr. N. Ratan, learned Addl. Advocate for respondent No. 2 and Mr. M. Kato, learned DSGI for respondent No. 3.

By means of this writ petition filed under Article 226 of the Constitution of India, the petitioners have prayed for a direction to the respondent authorities to pay 100% solatium along with 12% interest to the projected affected families in respect of proposed construction of New Alignment Widening/improvement of existing road to 2 lane NH standard (NHDL) Kaying-Tato road starting from Pene Village km 45.00 to Tato Km 78.370 in Shi Yomi District Arunachal Pradesh under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in terms of the notification dated 20.03.2014 and further, to determine the value of different categories of land as per the uniformed rates prescribed by the Govt. of Arunachal Pradesh vide notification dated 06.09.2022 for construction of highways/ roads in the State of Arunachal Pradesh for securing ends of justice.

Issue notice to the respondents returnable by 4 (four) weeks.

Since Mr. Kamduk, learned Standing counsel for the Land Management Department; Mr. N. Ratan, learned Addl. Advocate General and Mr. M. Kato, learned DSGI have entered their appearance and accepted notices on behalf of their respective respondents, no formal notices are required to be served. However, requisite extra copies of the petition along with the annexures appended thereto be served to them during the course of the day.

List the matter after 4 (four) weeks so as to enable the respondents to file their respective affidavit-in-opposition.

JUDGE

Comparing Assistant