

GAHC040015582023



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

Case No. : WP(C)/537/2023

Raha Tagin Tara
S/o Late Raha Legi Legi, village Ganga, P.O.R.K. Mission, P.S. Chimpu, Itanagar
Capital Complex, AP

VERSUS

THE STATE OF AP
represented by the Secretary, Land Management, Govt. of AP, Itanagar 2:The
Director

Age: 0
Occupation :
Land Management
Govt of AP
Itanagar

3:The Deputy Commissioner

Age: 0
Occupation :
Itanagar Capital Complex
Govt. of AP

4:The Additional Deputy Commissioner-cum-Estate Officer

Age: 0
Occupation :
Itanagar capital Complex
Govt. of AP

5:The Director

Age: 0

Occupation :
Geological Survey of India
Govt. of India
Chandranagar near Ganga village
Itanagar
A

Advocate for the Petitioner : Taba Tagum

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

16.11.2023

1. Heard Mr. T. Tagum, learned counsel for the petitioner. Also heard Mr. I. Rizam, learned Government Advocate for the State of Arunachal Pradesh representing the respondent Nos. 3 and 4. Though, the name of Mr. D. Kamduk, learned Standing Counsel for the Land Management, Arunachal Pradesh is shown, none appears for the department.
2. The present writ petition is filed assailing an order dated 09.11.2023 passed in Appeal Case No. 09/2023 by the Deputy Commissioner, Itanagar Capital Complex under the Arunachal Pradesh Public Premises (Eviction of Unauthorized Occupation) Act, 2003, upholding order of eviction dated 31.10.2023 passed in Case No. DC/ICC/LM/GL-01/2020 by the ADC-cum-Estate Officer, Itanagar. The order of eviction dated 31.10.2023 is also under challenge in this writ petition.
3. The basic case of the petitioner is that though the petitioner is sought to be evicted on the ground that they are unauthorisedly occupying the land belonging to the Geological Survey of India, Itanagar Capital Complex, however, the Allotment Letter (Annexure -4) dated 07.02.2020 clearly shows that the Geological Survey of India, was allotted a land measuring 59742 sq. mtrs whereas on the basis of such allotment by the Director-Cum-Ex-Officio-Joint Secretary, Land Management Department, Government of Arunachal Pradesh, the Deputy Commissioner, Itanagar Capital Complex, Itanagar, on

his own, allotted a land measuring 82661 Sq.mtrs and this is the portion of the land which belongs to the petitioner and therefore, such land allotment order is having no sanctity under law issued by the Deputy Commissioner, inasmuch as the competent authority in the State has only decided to settle 59742 sq. mtrs of land. This matter needs further consideration. Accordingly, issue notice returnable after four weeks.

4. As Mr. I. Rizam, learned Government Advocate accepts notice on behalf of the respondent Nos. 3 and 4, no formal notice need be issued to the said respondents.
5. The petitioner to take steps for issuance of notice upon the respondent Nos. 1 and 2, through the office of the learned Standing Counsel, Land Management Department, State of Arunachal Pradesh. Petitioner to take steps for issuance of notice upon the respondent No. 5, by way of registered post with A/D as well as by usual process within a period of five days from today.
6. Till such return of notice, status quo as on today so far relating to the land in question be maintained.
7. List accordingly.

JUDGE

Comparing Assistant