

GAHC040015712025



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

Case No. : WP(C)/436/2025

Tayo Yekar

Son of Late Tako Yekar, permanent resident of Village Sikarijo, PO and PS Daporijo,
Upper Subansiri District, Arunachal Pradesh.

VERSUS

The State of AP and 4 Ors
through the Chief Secretary, Govt of Arunachal Pradesh, Itanagar.

2:The Secretary (Horticulture)

Age: 0

Occupation :

Govt of Arunachal Pradesh

Itanagar.

3:The Deputy Commissioner

Age: 0

Occupation :

Upper Subansiri District

Daporijo

Govt of Arunachal Pradesh.

4:The Director of Horticulture

Age: 0

Occupation :

Govt of Arunachal Pradesh

Chimpu

Itanagar.

5:The District Horticulture Officer

Age: 0

Occupation :

Upper Subansiri District

Daporijo
Arunachal Pradesh

Advocate for the Petitioner : Xavier Gyati, 1 P L Murtem, Lakhya Narah

Advocate for the Respondent : GA (AP), SC (Horticulture), Tsering Gyatso

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

Date : 12.09.2025

Heard Mr. Xavier Gyati, learned counsel for the petitioner, who submits that the petitioner is the owner of a certain plot of land located at Sikarijo, Upper Subansiri District which has an area of 11,283 square meters. Accordingly to the petitioner, the Horticulture Department has a certain plot of land in the main market of Old Bazar in Daporijo Town measuring 183.75 square meters. By slicing out 300 square meters of this land, the petitioner is willing to exchange the same with the Horticulture Department's land in the main market. Following the revoking of the banned imposed for exchange of Government allotted land vide Order dated 16.06.2015 issued by the Department of Land Management, necessary process has been done. In the process, the District Horticulture Officer and the Deputy Commissioner, Upper Subansiri District have given their clearance and following which a Board meeting was held, which reported that the valuation of the petitioner's land is Rs.1,80,000.00/- (Rupees one lakh eighty thousand only), whereas the valuation of Horticulture Department's land is Rs.1,10,250.00/- (Rupees one lakh ten thousand two hundred and fifty only). The both proceeding report was prepared on 03.05.2024 but despite the same the exchange has not happened till date.

The learned counsel submits that as was request to the petitioner, he had also dismantle the standing structure in his land to give it away for development of the land by the Horticulture Department. He, thus, submits that the respondent authorities may be directed to complete the process of exchange within a time frame.

In view of above, issue notice of motion, returnable by four (4) weeks.

Mr. T. Gyatso, learned Standing Counsel, Horticulture Department, accepts notice on behalf of the respondent Nos. 2, 4 & 5 and Ms. R. Basar, learned Government Advocate, accepts notice on behalf of the respondent Nos. 1 & 3. Notice is therefore complete.

Petitioner to furnish requisite copies of the writ petition to the learned counsels appearing for the respondents today within two (2) days.

List the matter again after four (4) weeks.

The respondents should file their counter-affidavit on or before the next date.

Pendency of the writ petition shall not be a bar for the respondents to complete the process of exchange.

JUDGE

Comparing Assistant