

GAHC040015922024



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

Case No. : WP(C)/542/2024

Henli Riba
Son of Late Dohen Riba, resident of Liru Village, PO and PS Likabali, Lower Siang
District, Arunachal Pradesh.

VERSUS

Teh State of AP and 4 Ors
represented by the Chief Secretary, Govt of Arunachal Pradesh, Itanagar.

2:The Deputy Commissioner
Age: 0
Occupation :
Likabali
Lower Siang District
Arunachal Pradesh.

3:The Extra Assistant Commissioner
Age: 0
Occupation :
Likabali
Lower Siang District
Arunachal Pradesh.

4:Hengo @ Sengo Taipodia
Age: 0
Occupation :
Son of Late Dohen Taipodia
resident of Liru Village
PO and PS Likabali
Lower Siang District
Arunachal Pradesh.

5:Smti Tumken Riba

Age: 0
Occupation :
Wife of Late Marnya Riba
resident of Liru Village
PO and PS Likabali
Lower Siang District
Arunachal Pradesh

Advocate for the Petitioner : Gotu Riba, Chello Yaying, Licha Teni, Tsangpa Tsering

Advocate for the Respondent : GA (AP),

BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE

ORDER

Date : 21.11.2024

Heard Mr. G. Riba, learned counsel for the petitioner.

Challenge made in this writ petition is to the order/notice dated 18.11.2024, issued by the Extra-Assistant Commissioner for the Deputy Commissioner, Lower Siang District, Likabali, whereby, the Head Gaon Buras/Gaon Buras & Public leaders of Siji village have been directed to attend the Office of the Deputy Commissioner on 22.11.2024 to discuss the matter of land dispute between the respondent No. 5, *Smti Tumken Riba, Shri Sengo Taipodia* and *Shri Henli Riba*, the petitioner herein, a copy of which, has also been furnished to the petitioner.

It is the contention of the petitioner that the present land dispute sought to be discussed by the authorities by inviting the Head Gaon Buras/Gaon Buras & Public leaders of Siji village, have already been decided by the village authority. As per the applicable provisions of law, if

any party is aggrieved by the decision of the village authority, an appeal lies before the Court of Civil Judge (Senior Division). Therefore, the disputes which have been settled by the village authority cannot be taken up by the Deputy Commissioner, as the executive authorities like the Extra-Assistant Commissioner and Deputy Commissioner, no longer have any jurisdiction to decide a land dispute, after coming into force of *the Arunachal Pradesh Civil Courts Act, 2021*

Issue notice to the respondents, returnable by 3 (three) weeks.

Since Ms. R. Basar, learned Government Advocate has entered appearance and accepted notice on behalf of the respondent Nos. 1, 2 & 3, no formal notice is required to be sent. However, requisite extra-copies of the writ petition along with the documents appended thereto be furnished to her, during the course of the day.

The petitioner shall take steps for service of notice upon the respondent Nos. 4 & 5 by registered post with A/D as well as by usual process, within a week.

Heard on the interim prayer.

Considering that the Extra-Assistant Commissioner and Deputy Commissioner no longer have any jurisdiction to try civil disputes, after coming into force of *the Arunachal Pradesh Civil Courts Act, 2021* and its amendments, in the interim, the order dated 18.11.2024, issued by the Extra-Assistant Commissioner for the Deputy Commissioner, Lower Siang District, Likabali, shall remain suspended, till the returnable date.

List it after 3 (three) weeks.

JUDGE

Comparing Assistant