

GAHC040015992025



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

Case No. : Crl.Petn./210/2025

Tarh Hari
Son o Shri Tarh Chatum, resident of Lekhi Village, PO and PS Nirjuli, Papum Pare
District, Arunachal Pradesh. 791110

VERSUS

The Deputy Commissioner and 2 Ors
Yupia, Papum Pare District, Arunachal Pradesh.

2:The Executive Magistrate cum SDO
Age: 0
Occupation :
Doimukh
Papum Pare District
Arunachal Pradesh.

3:Gyamar Takar @ Bharat
Age: 0
Occupation :
Son of Late Gyamar Tajik
resident of village Yupia-I
PO and PS Doimukh
Papum Pare District
Arunachal Pradesh 79111

Advocate for the Petitioner : Michi Nibo, Nending Sonia,Nending Kago

Advocate for the Respondent : P P of AP,

**BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 17.09.2025

Heard Mr. Michi Nibo, learned counsel for the petitioner.

By this application under Section 528 of the BNSS, 2023, the petitioner has challenged the order dated 28.07.2025, issued by the Executive Magistrate, Doimukh whereby, the Executive Magistrate under Section 164 of the BNS has directed the petitioner to stop land development or quarry activity in the disputed land which is located at Yupia-I.

Mr. Nibo, learned counsel for the petitioner submits that the petitioner holds a land possession certificate over the land, located at Lekhi village and it falls under the jurisdiction of the Deputy Commissioner, Itanagar Capital Complex and not under the Yupia-I.

Issue notice.

Call for the records.

Since Ms. Topi Jini, learned Additional Public Prosecutor entered appearance and accepted notice on behalf of the respondent No. 2, no formal notice is required to be issued. However, requisite extra copies of the petition be furnish to her during the course of the day.

Petitioner shall take steps for service of notice upon the respondent Nos. 1 and 3 by registered post with A/D as well as by usual process, within 3 (three) days from today.

As prayed for, list this matter again on **21.10.2025**.

In the meantime, it is provided that if the land of the petitioner does not fall within the jurisdiction of the Executive Magistrate, Doimukh, and is not connected with the complaint land and disputed land in Title Suit No. 27/2022, land of the petitioner shall not be disturbed pursuant to the order dated 28.07.2025, passed by the Executive Magistrate, Doimukh until the next date of listing.

JUDGE

Comparing Assistant