

GAHC040016882025



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

Case No. : WP(C)/486/2025

Gyamar Kuba
Son of Late Gyamar Lakia, a resident of Polo Colony, Naharlagun, PO and PS
Naharlagun, Papum Pare District, Arunachal Pradesh.

VERSUS

The State of AP and 3 Ors
represented by the Chief Secretary, Govt of Arunachal Pradesh. 791111 2:Gichik
Lalin
HGB
Age: 50
Occupation :
presiding Customary Judge Apex Customary Court of Arunachal Pradesh
Upper Dobam Karsingsa
PO and PS Banderdewa
Papum Pare District
Arunachal Pradesh.

3:Nabam Tahi
Age: 48
Occupation :
Son of Late Nabam Ekha
permanent resident of Village Tacha (Mengio)
PO Mengio
PS Sagalee
Papum Pare District
Arunachal Pradesh.

4:Gyamar Takang
Age: 55
Occupation :
Son of Late Gyamar Taru
a permanent and present resident of Mengio Town

PO Mengio
PS Sagalee
Papum Pare District
Arunachal Pradesh

Advocate for the Petitioner : N Rama, Teshi Aaku, Techhi Ita Tara, T Rahul, N Kanu, P Tatam

Advocate for the Respondent : GA (AP),

BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE

ORDER

Date : 25.09.2025

Heard Mr. N. Rama, learned counsel for the petitioner.

Challenge made in this writ petition is to the Order dated 18.09.2025, passed by the Presiding Customary Judge of the Apex Customary Court of Arunachal Pradesh, whereby by way of an ex-parte interim stay order, the program for declaration of Abu Taih for following the clans names, namely Hid clan, Hiburung clan, Hijang clan, Hina (Nabam) clan and Higya (Gyamar) clan, proposed to be held on 27.09.2025 is stayed, on the basis of a complaint filed by the private respondents before the said Apex Customary Court of Arunachal Pradesh.

Issue notice, returnable by 3(three) weeks.

As Ms. R. Basar, learned Government Advocate has entered appearance and accepted notice on behalf respondent No.1, no formal notice need be issued. However, requisite extra copies of the writ petition be furnished to her within two working days.

The learned counsel for the petitioner to take steps for service of notice

upon the respondents No.2, 3 and 4 by registered post with A/d as well as by usual process within a period of 2(two) days from today.

It is the contention of the petitioner that, as per sub-section (4) of the Arunachal Pradesh Civil Courts Act, as amended in 2022, the Apex Customary Court is an appellate authority against the decision of the village authority. The said Apex Customary Court does not have original jurisdiction to try a dispute unless it has first been decided by the village authority. The complainants, i.e., respondents No. 3 and 4, being residents of Mengio Circle under Papum Pare District, would be entitled to file a complaint before the respective village authority having jurisdiction. However, the private respondents have chosen to approach the so-called Apex Customary Court. Therefore, the Apex Customary Court being an appellate authority under the law, does not have jurisdiction to entertain any complaint except an appeal against the decision of village authority. Therefore, the impugned ex parte interim stay order is without jurisdiction.

Having considered the submissions of the learned counsel for the petitioner and upon perusal of the provisions of the Arunachal Pradesh Civil Courts Act, as amended in 2022, particularly sub-section (4) of Section 15 thereof, it is *prima facie* established that the Apex Customary Court is an appellate forum against which the decision of the village authority can be challenged. It appears that the Apex Customary Court has directly entertained the complaint of respondents No. 2 and 4 and passed the impugned order, which, in the *prima facie* view of this Court, is without jurisdiction and amounts to an assumption of the powers vested in the village authority.

In view of the above, an interim order is called for at this stage.

Accordingly, the ex-parte interim stay order dated 18.09.2025, is hereby stayed till returnable date.

List the matter after 3(three) weeks.

JUDGE

Comparing Assistant