

GAHC040016922023



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

Case No. : WP(C)/599/2023

Tachuk Padu
S/o Boreng Padu, permanent resident of Padusa village, PO/PS Mechukha, District
Shi Yomi, Arunachal Pradesh.

VERSUS

The State of AP and 5 Others
represented by the Chief Secretary, Government of Arunachal Pradesh, Itanagar.

2:The Deputy Commissioner

Age: 0

Occupation :

Shi-Yomi District

Arunachal Pradesh

P.O/P.S Tato.

3:The District Land Revenue and Settlement Officer

Age: 0

Occupation :

Shi-Yomi District

Arunachal Pradesh

P.O/P.S Tato.

4:Shri Nehru Padu

Age: 0

Occupation :

S/o Shri Tagi Padu

resident of Mechuka

PO/PS - Mechuka

Shi-Yomi District

Arunachal Pradesh.

5:Tabu Padu

Age: 0

Occupation :
S/o Shri Tateng Padu
resident of Mechuka
PO/PS - Mechuka
Shi-Yomi District
Arunachal Pradesh.

6:Shri Tsering Padu
Age: 0
Occupation :
S/o Late Lipo Padu
resident of Mechuka
PO/PS - Mechuka
Shi-Yomi District
Arunachal Pradesh

Advocate for the Petitioner : Idak Bam

Advocate for the Respondent : GA (AP)

BEFORE
HONBLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 12-12-2023

Heard Mr. R. Saikia, learned counsel for the petitioner. I have also heard Mr. N. Lowang, learned Senior Government Advocate for the State respondents.

By filing this petition under Article 226 of the Constitution of India, the petitioner has challenged the order dated 10.11.2023 issued by the respondent no. 3, whereby the petitioner has been directed to deposit back the compensation amount received by him on 08.06.2023, within 15 days from the

date of issue of the said notice failing which legal action shall be initiated as provided under the law.

The learned counsel for the petitioner submits that basing on the assessment of the properties standing within the proposed Transmission Line for Construction of 132KV S/C (on D/C Tower) Kambang Mechukha Transmission Line under comprehensive Scheme Arunachal Pradesh and pursuant to the subsequent notice dated 08.06.2023 issued by the Deputy Commissioner, SI Yomi District, Tato, for claims and objection on the final assessment, the petitioner was awarded a compensation amount of Rs. 12,15,961/- (Rupees Twelve lakhs fifteen thousand nine hundred sixty one) and Rs. 33,7011.5/- (Rupees three lakhs thirty seven thousand eleven and five paise). However, by the impugned notice dated 10.11.2023, the respondent no. 3 Office of the District Land Revenue & Settlement Officer, directed for recovery of the said compensation amount to be deposited in the joint account of the DC and DLR&SO within 15 (fifteen) days from the date of issue of the said notice, merely basing on the complaint purportedly received from the respondent no. 4, 5 and 6. The said notice amounts to a final order in as much as it has directed to deposit back the amount within 15 (fifteen) days and it has been issued by the respondent no. 3 without any jurisdiction.

Issue notice returnable by four weeks. Since Mr. N. Lowang, learned Senior Government Advocate has accepted notice on behalf of respondent nos. 1, 2 and 3 no formal notice need be issued to the said respondents. However, the learned counsel for the petitioner shall furnish requisite extra copies of the petition to the learned Senior Government Advocate by tomorrow. The petitioner shall take steps upon the respondent nos. 4, 5 and 6 by registered post with AD within three days.

In the interim, the notice no. SHY/LM-23/2023/169 dated 10.11.2023, issued by the District Land Revenue & Settlement Officer, SI Yomi District, Tato, (Annexure-V) shall not be given effect to till the returnable date.

List this matter after four weeks.

JUDGE

Comparing Assistant