

GAHC040001332022



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

Case No. : WA 2/2022

1:Atin Padung
Son of Late Tatan Padung, Resident of P Sector, PO/PS Itanagar, Papumpare District,
Arunachal Pradesh.
Phone No. 9612332666

VERSUS

1:THE STATE OF AP and 4 Ors.
Through the Secretary, Land Management Department, Govt. of Arunachal Pradesh,
Itanagar

2:The Secretary
Land Management Department
Govt. of Arunachal Pradesh
Itanagar

3:The Deputy Commissioner
Itanagar Capital Complex
Papumpare District
Itanagar

4:Opang Darang
Presently residing at Quarter No. D 65
P Sector
Itanagar
PO Itanagar
Papumpare District
Arunachal Pradesh

5:Tasing Sitang
Resident of Mirbuk Village
Pasighat
PO/PS Pasighat
East Siang District
Arunachal Pradesh

For the Appellant : Ms. D. Tamuk, Advocate.

For the Respondents : Mr. I. Riram, Additional Senior Govt. Advocate for respondent Nos.1 and 3.

Mr. D. Kamduk, Standing counsel, Land Management for respondent No.2.

Mr. T. Mize, Advocate for respondent Nos.4 and 5.

- B E F O R E -

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE ROBIN PHUKAN

05.06.2023

Heard the learned counsel for the parties.

The appellant is aggrieved of the order dated 07.01.2022 passed by the learned Single Bench whereby, the writ petition, WP(C) No.443 (AP)/2021 seeking a direction upon the Deputy Commissioner, Itanagar to consider the grievances raised by the appellant/petitioner representations dated 06.01.2020, 11.02.2020 and 05.04.2021 praying for proper demarcation of the plots of land allotted to the appellant/petitioner and the respondent No.5, and for providing a suitable approach road, was dismissed by an observation that the issues raised by the appellant/petitioner pertain to civil dispute between the parties.

Learned counsel Ms. D. Tamuk, representing the appellant/petitioner has

drawn the Court's attention to Section 95 of the Arunachal Pradesh (Land Settlement and Records) Act, 2000 and urged that there is a complete bar for entertaining a civil suit on the subjects covered by the said provision. Civil suit can only be brought where a question of title is involved between the parties and thus, she urged that the learned writ court was not justified in dismissing the writ petition filed by the appellant/petitioner.

Learned counsel for the respondents have vehemently and fervently opposed the submissions advanced by the learned counsel for the appellant/petitioner.

It was urged that on earlier round also, a civil case was filed by the appellant/petitioner on same issues which was later on withdrawn. However, the learned Additional Senior Government Advocate representing the respondent Deputy Commissioner, Itanagar (respondent No.3) is not in a position to dispute the fact that the representations filed by the appellant/petitioner with a prayer for demarcation of the boundaries of plots allotted to him and the private respondent have not been responded.

In this background, the respondent No.3, Deputy Commissioner, Itanagar is directed to objectively consider and decide the representation of the petitioner by a reasoned order within a period of 3(three) months from the date of submission of copy of this order. In case, the appellant is aggrieved by the order that may be passed by the Deputy Commissioner, Itanagar, he shall be at liberty to take recourse of suitable remedy as per law.

With the above observations and directions, the writ appeal is disposed of.

JUDGE

CHIEF JUSTICE

Comparing Assistant