

GAHC040001392023



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

Case No. : IA(C) 27/2023

1:Narang Chatung
Son of Late Narang Miri,
Resident of Dilopolyang, PO Ziro, District Lower Subansiri, Arunachal Pradesh.
791120
Mobile No. 8132861660

VERSUS

1:THE STATE OF AP and 4 Ors.
Represented by the Chief Secretary, Govt. of Arunachal Pradesh, Itanagar.

2:The Secretary
Land Management
Govt. of Arunachal Pradesh. Itanagar
Pin No. 791111

3:The Deputy Commissioner
Lower Subansiri District Ziro
Arunachal Pradesh 791120

4:The Executive Engineer
Water Resource Division
Ziro
Lower Subansiri District
(AP)

5:Bullo Babu alias Dindo
Son of Late Bullo Gyunto

Village Hong

PO Ziro
District Lower Subansiri
(AP) 79112

Advocate for the Petitioner : Subu Koyang

Advocate for the Respondent : GA (AP)

Linked Case : WP(C) 57/2020

1:Narang Chatung and 44 Ors.
son of late Narang Miri
resident of Dilopolyang
P.S. Ziro
Dist. Lower Subansiri
AP

2: Kago Radhe

Son of Sri Kago Koji
resident of Dilopolyang
P.O. Ziro
Dist. Lower Subansiri
AP

3: MUDANG DURI
S/O LT. MUDANG NALYE
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

4: BUDHI HADU
S/O LT. BUDHI TAKER
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

5: KAGO YAJA
W/O LT. TAKA
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

6: TALO TANGU
S/O LT. TALO KIME
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

7: KAGO ROBO
S/O SRI KAGO YACHANG
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

8: KAGO YAGYANG
W/O LT. KAGO KAPA
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

9: KAGO MALI
S/O LT. KAGO TANI
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

10: HIBU LALING
S/O RI HIBU PUSSANG
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

11: KAGO GAMBO
S/O SRI KAGO KOJI
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

12: PUNYO MAI
S/O LT. PUNYO KAMIN
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

13: SRI TALO APA
S/O LT. TALO TANYO
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

14: NARANG APEY
S/O LT. NARANG JARJO
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

15: TAPI RAMBO
S/O LT. TAPI TATUNG
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

16: TALO LASA
S/O LT. TALO BUKER
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

17: SRI KAGO NYIPA
S/O LT. KAGO RURE
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

18: TAPI ONYA
W/O LT. TAPI ELYU
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

19: MUDANG TUNYA
W/O LT. MUDANG KACHA
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

20: MUDANG ELYU
S/O LT. MUDANG TALO
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

21: KAGO TABIN
S/O LT. KAGO GENDA
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

22: PUNYO TAGIA
S/O LT. PUNYO KAMING
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

24: PUNYO TIIDA
S/O LT. PUNYO TAGU
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

25: SRI TILLING CHAMA
S/O LT. SRI TILLING HANYA
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

26: NARANG RAJU
S/O SRI NARANG TAPU
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

27: BULLO RAKHI
S/O LT. BULLO KOJIN
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

28: KAGO YAMA
W/O LT. KAGO PAYO
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

29: KAGO TARO
S/O LT. KAGO TAGO
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

30: MUDANG KANI
S/O LT. MUDANG TANI
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

31: KAGO BAMANG
S/O LT. KAGO RANDA
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

32: SRI PUNYO TALO

S/O LT. PUNYO TAPA
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

33: NARANG MAPA
S/O SRI NARANG TAPU
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

34: TILLING OMO
RESIDENT OF DILOPOLYANG
PO PS ZIRO
DISTRICT LOWER SUBANSIRI
AP.

35: DUYU JIMI
S/O SRI DUYU HALYANG
VILLAGE RERU
PO ZIRO
DIST. LOWER SUBANSIRI
AP

36: TAPI KULI
S/O LT. TAPI TAMANG
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

37: TAPI TALU
S/O LT. TAPI TALANG
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

38: BULLO NANA
S/O SRI BULLO TACHA
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI

AP

39: BULLO MAYUNG
S/O SRI BULLO TAJANG
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

40: KAGO OBING
S/O LT. KAGO MAKO
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

41: SRI TAKHE MALI
S/O LT. TAKHE DOLYANG
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

43: SRI KAGO TALANG
S/OLT. KAGO TAKO
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP.

44: KAGO TAJE
S/O LT. KAGO LENTO
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

45: KAGO TARANG
S/O RI KAGO BATH
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

46: NARANG LALYANG
S/O LT. NARANG MIRI
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI
AP

47: TALLO OPO
S/O RI TALLO TALING
VILLAGE HONG
PO ZIRO DISTRICT LOWER SUBANSIRI

AP
VERSUS

1:THE STATE OF AP
represented by the chief Secretary
Govt. of AP
Itanagar

2:The Secretary Land Management
Govt. of AP
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5:Bullo Babu @ dindo
S/o Lae Bullo gyunto
village Hong
P.O. Ziro
Lower Subansiri
AP

Advocate for the Petitioner : Subu Koyang
Advocate for the Respondent : GA (AP)

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

O R D E R

09.06.2023.

Heard Mr. S. Koyang, learned counsel for the applicant and also heard, Ms. G. Ete, learned Addl. Sr. Govt. Advocate appearing for State respondents.

2. This Interlocutory Application is preferred by the applicant, namely, Narang Chatung for maintaining the *status quo* on the land under dispute between the parties, pertaining to WP(C) No.57/2020.

3. Mr. S. Koyang, learned counsel for the applicant submits that in the WP(C) No.57/2020, vide order dated 25.06.2020, this Court was pleased to grant *status quo* on the land in question and the same *status quo* order was extended vide order dated 17.12.2021. Thereafter, the case was listed on 29.04.2022, and on that date, the counsel representing the petitioners, could not make the prayer to extend the *status quo* order. Mr. Koyang further submits that the applicant has bamboo gardens and some permanent structures and piggery on the disputed land and in the event of refusal to grant the interim protection, he will suffer irreparable loss and the purpose of filing the WP(C) No.57/2020, would be frustrated. Further, Mr. Koyang submits that he has a prima facie case in his favour and the balance of convenience is also in his favour since the land in question is in his possession and that he will suffer irreparable loss if *status quo* is not maintained and therefore, it is contended to allow the petition.

4. On the contrary, Ms. G. Ete, learned Addl. Sr. Govt. Advocate has vehemently opposed the interlocutory application on the ground that the land in question has already been allotted for establishing a Kendriya Vidyalaya and in the said plot of land, and the project could not be started because of encroachment and several other offices are also situated over the said land and the present petitioner has no *locus standi* to file the petition and therefore, it is contended to dismiss the present application.

5. Having heard the submission of learned Advocates of both sides, I have carefully gone through the application and documents placed on the record and also perused the impugned orders dated 25.06.2020, 17.12.2021 and also the

order dated 29.04.2022, in the WP(C) No.57/2020.

6. It is not in dispute that vide order dated 25.06.2020, *status quo* was granted and vide order dated 17.12.2021, the *status quo* order was extended, but, there is no mention in the order dated 29.04.2022, in respect of extension of the interim relief granted to the applicant. It is the stand of the applicant that on that day, the counsel representing the petitioners, could not point out this to the Court and therefore, inadvertently, the interim order could not be extended. There seems to be justification in the stand so taken.

7. Having considered the submission of learned Advocates of both sides and also considering the materials placed on the record, specially Annexure-9 series, this Court is of the considered opinion that a prima facie case is made out for granting interim relief as prayed for, balancing the equity between the parties.

8. It was already granted by this Court. Though inadvertently, the same was not extended vide order dated 29.04.2022. Accordingly, it is provided that both the parties shall maintain *status quo* in the land in question, till disposal of the WP(C) No.57/2020.

9. In terms of above, this I.A. stands disposed of.

JUDGE

Comparing Assistant