

GAHC040001472022



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

Case No. : WP(C) 57/2022

1:Nyai Riba
S/o Shri Enya Riba,
Permanent Resident of Liru B, PO/PS Likabali, District Lower Siang, Aruanchal Pradesh,
Mobile No. 9707867434

VERSUS

1:THE STATE OF AP and 5 Ors.
Represented by the Secretary, Land Management and Revenue Department, Govt. of Arunachal Pradesh, Itanagar

2:The Deputy Commissioner
Lower Siang District
Likabali
Govt. of Arunachal Pradesh

3:The Director
Land Management and Revenue Department
Itanagar
Govt. of Arunachal Pradesh

4:The District Land Revenue and Settlement Officer
Likabali
District Lower Siang
Govt. of Arunachal Pradesh

5:The Chief Engineer
Project Brahmanak
Pasighat GREF Camp

East Siang District
Arunachal Pradesh. PO and PS Pasighat

6: The Officer Commanding
519 SS and TC (GREF)

C/o 99 AP

Advocate for the Petitioner : Arup Bhattacharjee

Advocate for the Respondent : Dugmar Kamduk

BEFORE
HONBLE MR. JUSTICE NANI TAGIA

ORDER

Date : 18.01.2023

Heard Mr. A. Battacharjee, learned counsel for the petitioner. Also, heard Mr. L. Tadam, learned counsel appearing on behalf of Mr. D. Kamduk, learned standing counsel for the Land Management Department; respondent Nos. 1 & 3 herein and Ms. P. Pangu, learned Government Advocate representing respondent Nos. 2 & 4.

None has appeared for the respondent Nos. 5 & 6.

This writ petition is directed against the order dated 8th September, 2020 issued by the Deputy Commissioner, Lower Siang District, Likabali vide Memo No. LKB/REV-99/PT/10-11-12-13-14 whereby, on an official letter received from BRTF authority, the Deputy Commissioner Lower Siang District, Likabali has constituted the technical officials of BRTF along with LM staff namely, (I) Sri Nabum Alen, SK, (II) Sri Kenli Doke, Mandal, (III) Sri SR Barman, C/Man of LM branch, DC's Office Likabali to carry out a joint survey at BRTF

compound for Re-survey/Re-verification in order to ascertain the exact area w.e.f. 10/09/2020 onwards, under the supervision of the DLRSO Likabali.

The grievance of the petitioner in assailing the aforesaid impugned order dated 8th September, 2020 issued by the Deputy Commissioner, Lower Siang District, Likabali is that in the team of officials constituted by the Deputy Commissioner for Re-survey/Re-verification to ascertain the exact area under the supervision of the DLRSO Likabali, the petitioner has not been included. The said contention has been raised by the petitioner on the ground that the petitioner is the owner of the land proposed to be Re-surveyed and Re-verified. No material has, however, been placed before this Court by the petitioner, which would show the entitlement of the petitioner, as a matter of right, to be included in the team of officials constituted by the Deputy Commissioner in the impugned order dated 8th September, 2020 issued by the Deputy Commissioner, Lower Siang District, Likabali.

In view of the above, the relief sought for by the petitioner for setting aside of the impugned order dated 8th September, 2020 issued by the Deputy Commissioner, Lower Siang District, Likabali cannot be granted by this Court in the absence of any right of the petitioner to be included in the order dated 8th September, 2020 issued by the Deputy Commissioner, Lower Siang District, Likabali.

Accordingly, the writ petition is hereby dismissed being devoid of merit.

Notwithstanding the dismissal of this writ petition, the petitioner shall be at liberty to approach the appropriate forum/authority including this Court, if the petitioner is in any manner aggrieved by the Re-survey/Re-verification of

the area done pursuant to the order dated 8th September, 2020 issued by the Deputy Commissioner, Lower Siang District, Likabali vide Memo No. LKB/REV-99/PT/10-11-12-13-14.

With the above observations, writ petition stands disposed of.

JUDGE

Comparing Assistant