

GAHC040002342023



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

Case No. : WP(C) 102/2023

1:Boki Yuto
S/o Lt. Toduk Yuto,
Permanent Resident of Village Tato, PO/PS Tato, Shi Yomi District, Arunachal Pradesh.
Ph. No. 9436042390

VERSUS

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

2:The Director
Land Management
Govt. of Arunachal Pradesh
Itanagar.

3:The Land Acquisition Authority cum Deputy Commissioner
Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh.

4:Director General Border Roads
Seema Sadak Bhawan
Ring Road Naraina
Delhi Cantt
New Delhi 110010

5:The Commanding Officer

92 RCC (GREF) at km 8 (Thumbin) on Kaying Tato Road
West Siang District
A.P
PIN 79100

Advocate for the Petitioner : Nikita Danggen
Oken Duggong
K Chotten
P Siga
Y Dagiam
Honi Tana Tara

Advocate for the Respondent : GA (AP)
SC Land Management
DSGI

**BEFORE
HONBLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 22.02.2023

Heard Mr. Oken Duggong, learned counsel for the petitioner. Also heard Mr. Dugmar Kamduk, learned standing counsel, Department of Land Management, Government of Arunachal Pradesh, appearing on behalf of respondents No. 1 & 2; Ms. Riyum Basar, learned Government Advocate, appearing on behalf of respondent No. 3; and Mr. Marto Kato, learned DSGI, appearing on behalf of respondents No. 4 & 5.

This writ petition has been filed by the petitioner, seeking a direction to the respondent authorities to re-assess the land and other assets of the petitioner in Pene to Tato on Chainage No. 646220 to 647500 and in doing so, strictly follow the provision of Right to Fair Compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and also to direct the respondent authorities to dispose of his representations, dated 07.06.2022 and 25.11.2022.

The petitioner's grievance, as projected in the writ petition, is that pursuant to Notification, dated 24.05.2022, issued under Section 10 of the Balipara-Tirap-Sadiya Frontier Tract Jhum Land Regulation, 1947, by the Deputy Commissioner, Shi-Yomi District, Tato, for acquisition of the land described therein; the petitioner had submitted his claim and objection, dated 07.06.2022(Annexure-6 to the writ petition) stating that in the assessment made, his house and structures thereof, in the Highway, have not been included.

In a list of beneficiaries annexed at Page No. 21 of the writ petition; the name of the petitioner is found at Serial No. 11 where the structure or the house of the petitioner has been mentioned as house, toilet and fish pond, 3 nos..

It may be noted herein that in the representation, dated 07.06.2022, there is no mention of hollock garden/trees.

After having filed the Claim and Objection, dated 07.06.2022, before the Deputy Commissioner, Shi-Yomi District, Tato; it is the further case of the petitioner that he had filed yet another representation, dated 25.11.2022, to the Deputy Commissioner, Shi-Yomi District, Tato, whereby, it was requested for grant of compensation of his Hollock Garden and structures located at Chainage No. 646220 to 647500.

As has been discussed above; there was no mention of a Hollock Garden and structures located in the land of the petitioner proposed to be acquired by the respondent authorities vide Notification, dated 24.05.2022, issued by the Deputy Commissioner, Shi-Yomi District, Tato, under Section 10 of the Balipara-Tirap-Sadiya Frontier Tract Jhum Land Regulation, 1947, as can be seen from the first Claim and Objection submitted by the petitioner on 07.06.2022, to the Deputy Commissioner, Shi-Yomi District, Tato; the second representation, dated 25.11.2022, submitted by the

petitioner appears to be an improvisation of the first Claim & Objection, dated 07.06.2022, submitted by the petitioner to the Deputy Commissioner, Shi-Yomi District, Tato.

In view of the above contradictory claims made by the petitioner in his representations, dated 07.06.2022 and 25.11.2022; I am of the considered view that this writ petition can be disposed of at the motion stage itself by directing the respondent Deputy Commissioner, Shi-Yomi District, Tato, to look into the petitioner's representations, dated 07.06.2022 and 25.11.2022, and pass appropriate order(s), in accordance with law. It is ordered accordingly.

To enable the Deputy Commissioner, Shi-Yomi District, Tato, to undertake the exercise as directed above, the writ petitioner shall submit a certified copy of this order accompanied by a copy of the writ petition along with the Annexures appended thereto.

With the above direction, this writ petition stands disposed of at the motion stage itself.

JUDGE

Comparing Assistant