

GAHC040002482023



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

Case No. : WP(C) 104/2023

1: Takam Mosu
S/o Late Tadam Mosu,
Village Mosu, PO Siyum, PS Taliha, District Upper Subansiri, Arunachal Pradesh.
Mobile No. 9402623175

VERSUS

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

2: The Circle Officer
Chetam Circle
Upper Subansiri District
PO/PS Chetam (AP)

3: Tame Jipiu
P.I
Circle Officer
Chetam

Upper Subansiri District
PO/PS Chetam (AP)

4: Porkam Dasi
Village Dasi
PO/PS Chetam
Upper Subansiri District
Arunachal Pradesh.

5:Kampi Rebi Mosu
W/o Shri Takam Mosu

Village Mosu
PO Siyum
PS Taliha
District Upper Subansiri
Arunachal Pradesh

Advocate for the Petitioner : Gumto Kato

Advocate for the Respondent : GA (AP)

BEFORE
HONBLE MR. JUSTICE NANI TAGIA

ORDER

Date : 24.04.2023

Heard Mr. Gumto Kato, learned counsel for the petitioner. Also heard Ms. Pubi Pangu, learned Government Advocate, appearing on behalf of State Respondents No. 1 & 2, and Mr. Lissing Perme, learned counsel for respondent no. 5.

The respondent Nos. 3 & 4 have also been served as indicated in the Office Note, dated 09.03.2023, wherein it has been indicated that proof of dasti service upon respondent Nos. 3, 4 & 5 has been filed.

I have perused the affidavit, dated 09.03.2023 filed by the petitioner, wherein it has been stated that Respondents No. 3, 4 and 5 have refused to accept the notice.

In view of the above, notice on Respondents No. 3 & 4 is deemed to have been served.

By means of this writ petition, the petitioner has challenged the kebang decision, dated 05.02.2023 (Annexure-3 to the petition), inter alia, directing the petitioner to pay Rs. 19 Lakhs as compensation to the Respondent No. 5 who is the wife of the petitioner.

The aforesaid kebang decision, dated 05.02.2023, was rendered on the basis of an order, dated 23.01.2023, passed by the In-charge, Office of the Circle Officer, Chetam Circle, vide Memo. No. CTM/KBG-31/2022-23.

The petitioner contends that the Circle Officer is not authorized to convene the Kebang for resolution of the dispute between the parties. In addition thereto, the petitioner further contends that the kebang decision, dated 05.02.2023, was rendered under the supervision of Political Interpreter(PI) who again is not authorized under the law to supervise the kebang proceeding. Accordingly, the petitioner contends that the kebang decision, dated 05.02.2023, rendered under the supervision of the Political Interpreter(PI) pursuant to an order, dated 23.01.2023, issued by the In-charge, Office of the Circle Officer, Chetam Circle, vide Memo. No. CTM/KBG-31/2022-23, is illegal and unauthorized and is therefore, liable to be set aside and quashed.

Ms. Pangu, learned Government Advocate, appearing on behalf of Respondents No. 1 & 2; and Mr. Perme, learned counsel appearing on behalf of Respondent No. 5; have also agreed that the contention raised by the petitioner, as above, is correct.

The learned counsels for the respondents have also submitted that, neither, the Political Interpreter(PI) is authorized to supervise the Kebang proceeding, nor, the Circle Officer is authorized under the law, to constitute a Kebang.

In view of the submissions as made above by the learned counsels appearing for the parties and on perusal of the materials placed on record; this writ petition is hereby allowed and accordingly stands disposed of by setting aside the impugned kebang decision, dated 05.02.2023, as well as the order, dated 23.01.2023, issued by the In-charge, Office of the Circle Officer, Chetam Circle, vide Memo. No. CTM/KBG-31/2022-23.

JUDGE

Comparing Assistant