

GAHC040002662021



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

Case No. : WP(C) 70/2021

1:SHRI OBIT DAI
S/O LT. LOME DAI, VILLAGE DIKING, PO/PS PASIGHAT, EAST SIANG
DISTRICT,A P.

VERSUS

1:The State of AP and 2 Others
REPRESENTED BY THE SECRETARY (GENERAL
ADMINISTRATION)GOVT. OF AP, ITANAGAR.

2:THE DEPUTY COMMISSIONER
PASIGHAT EAST SIANG DISTRICT
A P.

3:SHRI TABER TAMUK
RESIDENT OF PASIGHAT BAZAR
PO/PS PASIGHAT
DIST. EAST SIANG
AP

Advocate for the Petitioner : T T Tara

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 01-03-2023

Mr. T. Kamchi, learned counsel for the petitioner and Mr. I. Riram, learned Additional Senior Government Advocate for the State respondent nos. 1 & 2.

2. Office note dated 09.03.2021 indicates that the learned counsel for the petitioner had taken steps upon the respondent no. 3 on 08.03.2021 and accordingly, notice to the respondent no. 3 was issued by registered post with A/D on 09.03.2021.

In view of the above, invoking the provisions of Order V Rule 9 of the CPC, the notice on respondent no. 3 is deemed to be served.

3. The order put to challenge in this writ petition is dated 09.02.2021, issued by the Deputy Commissioner, East Siang District, Pasighat, vide order No. HT-95/2013 (PT-1)/1513, whereby, the Gaon Buras of Diking village and Mirku village have been directed to conduct and preside over the meeting by fixing a suitable date as per Assam Frontier (Administration of Justice) Regulation, 1945, to settle the dispute between the petitioner and the respondent no. 3. Also put to challenge is the notice dated 04.03.2021, issued to the petitioner as well as the respondent no. 3 by one Ote Rukbo, President, Bogong Banggo Gam Association, whereby, the petitioner and the respondent no. 3 have been informed to attend the Kebang on 08.03.2021.

4. From the pleadings made in the writ petition, it appears that dispute

between the petitioner and the respondent no. 3 pertains to payment of the legal fees to the tune of Rs. 21 Lakhs by the petitioner to the respondent no. 3.

5. Though counter-affidavit has been filed by the respondent no. 2, it has been brought to the notice of this Court by the learned counsels appearing for the parties that Arunachal Pradesh Civil Court Act, 2021, has been enacted by the legislature which Act has come into force on and from 12.04.2021.

6. In view of the above, this writ petition stands disposed of by setting aside both the impugned orders, namely, order dated 09.02.2021, issued by the Deputy Commissioner, East Siang District, Pasighat, vide order No. HT-95/2013 (PT-1)/1513 and notice dated 04.03.2021, issued to the petitioner as well as the respondent no. 3 by one Ote Rukbo, President, Bogong Banggo Gam Association and also by providing the petitioner as well as respondent no. 3, to approach the appropriate/competent authority under the Arunachal Pradesh Civil Court Act, 2021, for settlement of the dispute between the petitioner and the respondent no. 3, if so advised.

JUDGE

Comparing Assistant