

GAHC040003212023



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

Case No. : WP(C) 128/2023

1:Norbu Tsering Sharjo and 2 Ors.
S/o Shri Dorjee Phurba Sharjo,
Village Mechuka, PO and PS Mechuka, Shi Yomi District, Arunachal Pradesh.

2: Dindup Tsering Sharjo
S/o Shri Kesang Sharjo

Village Mechuka
PO and PS Mechuka
Shi Yomi District
Arunachal Pradesh.

3: Pasang Dorjee Sharjo
S/o Shri Lera Sharjo

Village Bumjipanga
PO/PS Mechuka
Shi Yomi District
Arunachal Pradesh.
Mobile No. 940241154

VERSUS

1:THE STATE OF AP and 5 Ors.
Represented by the Secretary, Public Health Engineering and Water Supply
Department, Govt. of Arunachal Pradesh, Itanagar.

2:The Chief Engineer
Public Health Engineering and Water Supply Department
Arunachal Pradesh
Itanagar.

3:The Executive Engineer
Public Health Engineering and Water Supply Division
Mechuka
Shi Yomi District
Arunachal Pradesh.

4:The Additional Deputy Commissioner
Mechuka
Shi Yomi District
Arunachal Pradesh

5:M/s Tashi Sona
Represented by its proprietor Shri Tashi Sona
Gandhi Market
PO and PS Mechuka
Shi Yomi District
Arunachal Pradesh.

6:The Director
Land Management Department
Govt. of Arunachal Pradesh
Itanagar

Advocate for the Petitioner : T T Tara

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 09.03.2023

Heard Mr. T. T. Tara, learned counsel for the petitioners. Also heard Mr. R. H. Nabam, learned Additional Advocate General for respondents no. 1 to 4 and Mr. D. Kamduk, learned standing counsel for the Land Management Department representing respondent no. 6.

Considering the nature of order that I propose to pass, no notice to respondent no. 5 is felt necessary at this stage.

The petitioner is aggrieved by a construction work done by the respondent no. 5 for "*Improvement of water supply system for Mechuka Township & peripheral villages with sewerage system & riverfront development for boosting tourism in Mechuka Township*" at Bumjipanga village in Shi-Yomi District, pursuant to Notice Re-Inviting Tender (NIT) dated 08.09.2022, issued by the Executive Engineer, PHE & Water supply Division, Mechuka, (A.P), vide No. PHED/MKH/PB-20/2022-23/09, contending that the land where the construction work by respondent no. 5 for "*Improvement of water supply system for Mechuka Township & peripheral villages with sewerage system & riverfront development for boosting tourism in Mechuka Township*" has been done at the village namely, Bumjipanga village is the land of the "*Sharjo Clan*" of which, the petitioners are the committee members.

Objecting to the aforesaid construction work undertaken by the

respondent no. 5, it is the case of the petitioners that the petitioners have submitted a complaint-cum-public representation dated 10.02.2023 to the Additional Deputy Commissioner, Mechuka, Shi-Yomi District, followed by a reminder dated 17.02.2023, but, the representation as well as the reminder submitted by the petitioners have not been considered and disposed of by the Additional Deputy Commissioner, Mechuka, Shi-Yomi District. It is under the aforesaid circumstances, the petitioners have approached this Court by filing the present writ petition, contending that the land of the petitioners could not have been used for construction of "*Improvement of water supply system for Mechuka Township & peripheral villages with sewerage system & riverfront development for boosting tourism in Mechuka Township*" by the respondent no. 5 pursuant to Notice Re-Inviting Tender (NIT) dated 08.09.2022 without acquiring the land of the petitioners for the aforesaid construction work.

Upon hearing the learned counsels appearing for the parties and on perusal of the materials available on record, since the representation dated 10.02.2023 as well as the reminder dated 17.02.2023 submitted to the Additional Deputy Commissioner, Mechuka, Shi-Yomi District, against the construction undertaken by the respondent no. 5 pursuant to Notice Re-Inviting Tender (NIT) dated 08.09.2022 is pending, I propose to dispose of this writ petition at the stage of motion hearing itself by directing the Additional Deputy Commissioner, Mechuka, Shi-Yomi District, the respondent no. 4 herein, to consider and dispose of the representation dated 10.02.2023 as well as the reminder dated 17.02.2023 submitted by the petitioner as expeditiously as possible and in any case, not later than 2 weeks from the date of receipt of a certified copy of this order, which shall be submitted by

the petitioners within a period of 1 week from today.

Till the aforesaid representation dated 10.02.2023 as well as the reminder dated 17.02.2023 submitted by the petitioner is disposed of by the Additional Deputy Commissioner, Mechuka, Shi-Yomi District, as directed above, no payment for the construction work undertaken by the respondent no. 5 shall be released.

Writ petition is disposed of with the above directions.

JUDGE

Comparing Assistant