

GAHC040003362021



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

Case No. : WP(C)/96/2021

Linggong Ninggo and 11 Ors.

S/O LT. BALING NINGGO, AGED ABOUT 60 YRS. PERMANENT RESIDENT
OF OF MIGGING VILLAGE, PO/PS TUTING, DISTRICT UPPER SIANG, AP.

2: SHRI MUKKUT LONCHUNG

Age:

Occupation :

3: SHRI KIRO TANGU

Age:

Occupation :

4: SHRI DINO TALI

Age:

Occupation :

5: SHRI YAPANG NINGGO

Age:

Occupation :

6: SHRI MEGOT LONCHUNG

Age:

Occupation :

7: SHRI GIBO MEDO

Age:

Occupation :

8: SHRI PANGKIT DUGGONG

Age:

Occupation :

9: SHRI LANJONG MEDO

Age:

Occupation :

10: SHRI BANGGO DUGGONG

Age:

Occupation :

11: SHRI AKUT DUGGONG

Age:

Occupation :

12: SHRI PEDIR LONCHUNG

Age:

Occupation :

13: SHRI PEDIR LONCHUNG

Age:

Occupation

VERSUS

THE UNION OF INDIA

THROUGH THE CABINET SECRETARY TO THE GOVT. OF INDIA, CABINET
SECRETARIAT, RASHTRAPATI BHAWAN, NEW DELHI. 2:THE
SECRETARY

Age: 0

Occupation :

3:THE GENERAL OFFICER COMMANDING-IN-CHIEF

Age: 0

Occupation :

4:THE GERAL OFFICER COMMANDING

Age: 0

Occupation :

5:THE GENERAL OFFICER COMMANDING

Age: 0

Occupation :

6:THE COMMANDING OFFICER

Age: 0

Occupation :

7:THE DIRECTOR GENERAL DEFENCE ESTATES

Age: 0

Occupation :

8:THE PRINCIPAL

Age: 0

Occupation :

9:THE DIRECTOR

Age: 0

Occupation :

10:THE DEFENCE ESTATES OFFICER

Age: 0

Occupation :

11:THE STATE OF AP

Age: 0

Occupation :

12:THE SECRETARY LAND MANAGEMENT

Age: 0

Occupation :

13:THE DIRECTOR LAND MANAGEMENT

Age: 0

Occupation :

14:THE DEPUTY COMMISSIONER

Age: 0

Occupation :

15:THE ADDL. DEPUTY COMMISSIONER

Age: 0

Occupation :

16:THE DISTRICT LAND RECORD AND SETTLEMENT OFFICER

Age: 0

Occupation

Advocate for the Petitioner : Nikita Danggen

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE NELSON SAILO**

ORDER

Date : 24.08.2023

Parties are represented by the respective counsels. On 18.08.2023, the following order was passed :-

"Pursuant to the order, dated 28.11.2022, the respondent Union of India filed an additional affidavit on 17.01.2023, wherein, at Paragraph No. 3, the following statements has been made: -

"The concerned DC will also be requested to initiate acquisition proceedings under RFCTLARR Act, 2013 immediately after receiving the Govt. sanction. Also, in the instant case for regularization of past occupation of land measuring 26.50 acres at Migging by way of hiring, a proposal for issuance of Govt. sanction for Rs.51,47,606/- towards payment of rental w.e.f. 01.01.2010 to 31.12.2021 is under consideration of Ministry of Defence. Sanction is also proposed for continued hiring w.e.f. 01.01.2022 of said land at the same rate, till acquisition of land/revision of rates of de-hiring of land, whichever is earlier".

Mr. M. Kato, learned DSGI submits that he may be given some more time to obtain instruction as to whether the Govt. sanction has been received for acquisition of the land of the petitioners.

List the matter again on 24.08.2023."

Today, Mr. M. Kato, learned DSGI has produced a communication dated 23.08.2023 written by the Deputy Director (Lands-I), Government of India, Ministry of Defence to the Chief of Army Staff, New Delhi, whereby the sanction of the president for acquisition of 26.50 acres of land at Migging village, Upper Siang District, Arunachal Pradesh for establishment of Operational Logistics Infrastructure at an estimate cost of 2,31,64,227 under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation Act, 2013 has been conveyed. The learned DSGI submits that in view of the sanction conveyed to the Chief of Army Staff by the Ministry of Defence, the amount as per his instruction will be deposited within a month before the Deputy Commissioner, Upper Siang District.

Ms. N. Danggen, learned counsel for the petitioners submits that since sanction has been conveyed, the respondents should be directed to complete the acquisition by paying compensation to the petitioners within a time frame.

In view of above, the respondent/Union of India shall deposit the amount as indicated in the communication dated 23.08.2023 before the Deputy Commissioner, Upper Siang District as expeditiously as possible. The Deputy Commissioner, Upper Siang District upon receiving the same shall disburse the deposited amount to the beneficiaries as per usual formalities without any delay.

A copy of the communication dated 23.08.2023 produced by Mr. M. Kato, learned DSGI is kept on record and marked as 'X' for identification.

It is needless to mention herein that if the respondents do not disburse the compensation to the petitioners in terms of the communication dated 23.08.2023 within a reasonable period of time, the petitioners will be at liberty to approach this Court again.

The writ petition accordingly is disposed.

JUDGE

Comparing Assistant