

GAHC040003562023



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

Case No. : WP(C) 138/2023

1: Yeshi Phuntsok alias Phuntso
S/o Lobsang Phuntsok,
Permanent Resident of Kharsa Village, Jang Circle, PO Tawang, PS Jang, District
Tawang, Arunachal Pradesh.
Ph. No. 8473869788

VERSUS

1: THE STATE OF AP and 6 Ors.
Represented by the Commissioner/Secretary, Land Management, Govt. of Arunachal
Pradesh, Itanagar 791111

2: The Deputy Commissioner
Tawang
District Tawang
PO/PS Tawang
Arunachal Pradesh.

3: The Additional Deputy Commissioner
Jang
PO Tawang
PS Jang
District Tawang
Arunachal Pradesh.

4: THE UNION OF INDIA
Represented by the Secretary
Ministry of Defence
Sena Bhavan
Govt. of India
New Delhi 110011

5:The Chief Engineer (VARTAK)
C/o 99 APO
Tezpur
District Sonitpur
Assam.

6:The Commander
42 BRTF
C/o 99 APO
Sapper Camp
Dirang
PO Dirang
District West Kameng
Arunachal Pradesh.

7:The Officer Commanding
90 RCC (GREF)
Jang
PO Tawang
PS Jang
District Tawang
Arunachal Pradesh

Advocate for the Petitioner : T T Tara

Advocate for the Respondent : GA (AP)

BEFORE
HONBLE MR. JUSTICE NANI TAGIA

ORDER

Date : 24-05-2023

Heard Mr. B. Picha, learned counsel for the petitioner. Also heard Mr. D. Kamduk, learned Standing counsel for the Land Management Department, representing the respondent no. 1; Ms. R. Basar, learned Junior Government Advocate for the respondent nos. 2 & 3 and Mr. M. Kato, learned DSGI for the respondent nos. 4, 5, 6 & 7.

2. The grievance of the petitioner, who is in possession of a plot of land measuring 1404 sqm located at Kharsa village of Jang Circle, Tawang District, Arunachal Pradesh, is that though assessment for acquiring the land of the petitioner was made by the respondent authorities but the land of the petitioner is yet to be acquired. While the land of the petitioner remains to be acquired by the respondent authorities, the respondent authorities in the meantime are not allowing the petitioner to utilise his land, mentioned hereinabove, according to his wish.

3. Mr. D. Kamduk, learned Standing counsel, Land Management Department for the respondent no. 1, however, points out that no public notification for acquiring the land of the petitioner under any provision of land acquisition law has been issued till date. Under the circumstances, he submits that unless public notification under the appropriate provision of law relating to land acquisition is issued, there cannot be any assessment of the valuation of either the land or the property.

4 Mr. Picha, learned counsel for the petitioner has not controverted the submission made by the Mr. Kamduk, learned Standing counsel, Land Management Department for the respondent no. 1.

5. Upon hearing the learned counsels appearing for the parties, I find substance in the contention raised by Mr. Kamduk, learned Standing counsel, Land Management Department for the respondent no. 1 that if no public notification under the appropriate provision of the land acquisition law has been issued, there could not have been an assessment of the value of either the petitioner's land or the property.

6. Under the circumstances, there is no material before this Court that respondent authorities are in any manner intending to acquire the land of the petitioner described hereinabove. Therefore, there can be no direction to the respondent authorities by this Court to immediately pay the compensation to the

petitioner which is the first prayer of the instant writ petitioner. As far as the second prayer is concerned, which is to the effect, to direct the respondent authorities to issue No Objection Certificate (NOC) to enable the petitioner to undertake developmental works within his area of land, can also be not issued by this Court, inasmuch as, if the land described hereinabove, belongs to the petitioner, no such NOC is required to be issued by any authority.

7. This writ petition, therefore, is misconceived and accordingly disposed of without any consequential order.

JUDGE

Comparing Assistant