

GAHC040003862022



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

Case No. : WP(C) 135/2022

1:Jumken Kamdak and 2 Ors.
S/o Lt. Tojum Kamdak,
R/o Everest Kamdak, PO/PS Basar, Leparada District, Arunachal Pradesh.

2: Ego Kamdak
S/o Lt. Yomi Kamdak

R/o Everest Kamdak
PO/PS Basar
Leparada District
Arunachal Pradesh.

3: Doba Taba
S/o Lt. Mido Taba.
R/o Everest Kamdak
PO/PS Basar
Leparada District
Arunachal Pradesh

VERSUS

1:THE STATE OF AP and 3 Ors.
Represented by the Secretary, General Administration, Govt. of Arunachal Pradesh,
Itanagar

2:The Deputy Commissioner cum District Magistrate
Basar
Leparada District
Arunachal Pradesh.

3:The Additional Deputy Commissioner cum Additional District Magistrate

Basar
Leparada District
Arunachal Pradesh.

4:Tomo Basar
S/o Lt. Goto Basar

R/o Village Nyigam
PO/PS Basar
Leparada District
Arunachal Pradesh

Advocate for the Petitioner : T T Tara

Advocate for the Respondent : GA (AP)

BEFORE
HONBLE MR. JUSTICE NANI TAGIA

ORDER

Date : 14-03-2023

Heard Mr. T. Gyatso, learned counsel for the petitioners. Also heard Mr. Y. Riram, learned Junior Government Advocate for the respondent nos. 1, 2 & 3.

None appears for the respondent no. 4, despite being duly served, as indicated in the Office note, dated 10.05.2022.

2. This writ petition is directed against the notice, dated 15.03.2022, issued by the Additional Deputy Commissioner-cum-Additional District Magistrate, Leparada District, Arunachal Pradesh, vide No. LRD/JDL-15/2021-22/2434, whereby, people living in the adjacent area specially village of KamdakTaba has been directed not to carry out any illegal wood cutting, Jhum cultivation, agricultural activities within the private land of the respondent no. 4.

3. The impugned notice dated 15.03.2022, was issued by the Additional Deputy Commissioner-cum-Additional District Magistrate, Leparada District,

Basar, on a complaint lodged by the respondent no. 4, stating that the people living in the adjacent village, namely, KamdakTabawere illegally carrying out activities like Jhum cultivation by felling trees and agricultural activities at his land, namely, "Chante and Rachep" area without his permission.

4. The learned counsel for the petitioners contends that the land called "Chante and Rachep" belongs to them.

5. The respondent nos. 2 & 3 have filed counter-affidavit, wherein, it has been contended that the impugned notice, dated 15.03.2023 was issued by the Additional Deputy Commissioner-cum-Additional District Magistrate, Leparada District, on good faith in order to prevent untoward incident and maintain law and order in the area.

6. After hearing the learned counsels appearing for the parties and on perusal of the materials available on the record, it appears that there is a dispute regarding the ownership of land in "Chante and Rachep" between the petitioners and the respondent no. 4.

7. In view of the above, this writ petition is disposed of leaving the parties to resolve the dispute regarding the ownership of land called "Chante and Rachep", if any, by approaching the proper forum for resolving such a dispute.

8. Consequently, the impugned notice, dated 15.03.2022, issued by the Additional Deputy Commissioner-cum-Additional District Magistrate, Leparada District, Arunachal Pradesh, vide No. LRD/JDL-15/2021-22/2434, is hereby set aside and quashed, on the ground that the impugned notice does not indicate any provision of law under which it has been passed. The Additional Deputy Commissioner, or, for that matter, the Deputy Commissioner, however, shall be within their competence to pass appropriate order(s), in accordance with law,

insofar as maintenance of law and order in the area is concerned.

9. The writ petition is disposed with the above direction and observation.

JUDGE

Comparing Assistant