

GAHC040004022022



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

Case No. : WP(C) 141/2022

1:Dorjee Dema Thungon
D/o Late Sang Khandu Thungon,
Resident of Bomdila Town, PO/PS Bomdila, West Kameng District, Arunachal Pradesh.

VERSUS

1:THE STATE OF AP and 3 Ors.
Represented by the Secretary, Land Management, Govt. of Arunachal Pradesh.

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

3:The Deputy Commissioner
West Kameng District
Bomdila
Govt. of Arunachal Pradesh.

4:The Estate Officer
West Kameng District
Bomdila
Govt. of Arunachal Pradesh

Advocate for the Petitioner : Dicky Panging

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 01-06-2023

Heard Mr. Dicky Panging, learned counsel for the petitioner.

Also heard Mr. I. Riram, learned Addl. Senior Government Advocate; and Mr. Dugmar Kamduk, learned standing counsel, Department of Land Management, Government of Arunachal Pradesh, appearing on behalf of their respective respondents.

Though this writ petition has been filed, challenging the order, dated 28.02.2022, passed by the Deputy Commissioner, West Kameng District, Bomdila, in Appeal Case No. 01/2022, and the order, dated 17.01.2022, passed by the Estate officer, West Kameng District, Bomdila, in MC No. E0-11/2021 u/s. 7(1) of the Arunachal Pradesh Public Premises (Eviction of Unauthorized Occupants Act), 2003[State v. Smti. Dorjee Dema Thungon, Staff Nurse; but, Mr. Panging, learned counsel for the petitioner, submits that this writ petition is not pressed to the extent it has challenged the order, dated 28.02.2022, passed by the Deputy Commissioner, West Kameng District, Bomdila, in Appeal Case No. 01/2022, and the order, dated 17.01.2022, passed by the Estate officer, West Kameng District, Bomdila, in MC No. E0-11/2021 u/s. 7(1) of the Arunachal Pradesh Public Premises (Eviction of Unauthorized Occupants Act), 2003, respectively, and the instant writ petition may be disposed of with a direction to the Deputy Commissioner, West Kameng District, Bomdila, to dispose of the 2(two) applications submitted by the petitioner for allotment of a plot of land at Bomdila, which applications have been annexed as Annexures 2 and 3, respectively, in the writ petition.

The aforesaid 2(two) applications submitted by the petitioner as referred to hereinabove; are, however, undated.

The State Respondents No. 3 & 4 have contested the case by filing an affidavit-

in-opposition, wherein, the Respondents No. 3 & 4, have neither acknowledged the receipt of the aforesaid 2(two) applications, nor, have denied the applications submitted by the petitioner.

What the Respondents No. 3 & 4 in the affidavit-in-opposition, in paragraph No. 5, thereof, have stated, is that ***“mere submission of application for regularization of land in her name does not mean that petitioner become legal possessor of the said land, until and unless regularization is made in favour of the petitioner, it is deemed to be illegal possession of public property”***.

Having heard the learned counsels for the parties and on perusal of the materials no record, and also in view of the prayer made by the learned counsel for the petitioner, as indicated hereinabove; this writ petition is hereby disposed of with a direction to the Deputy Commissioner, West Kameng District, Bomdila, (Respondent No. 3, herein) to dispose of the 2(two) applications submitted by the petitioner which has been annexed as Annexures 2 and 3, respectively, in the writ petition, in accordance with law.

The petitioner shall also be at liberty to submit the 2(two) applications annexed as Annexures 2 and 3 in the writ petition, respectively, to the Deputy Commissioner, West Kameng District, Bomdila, along with a copy of this order for doing the needful by the Deputy Commissioner, West Kameng District, Bomdila.

JUDGE

Comparing Assistant