

GAHC040004232023



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

Case No. : WP(C) 166/2023

1: Tadak Dupit and 11 Ors.
S/o Tapor Dupit,
Village Dupit, PO/PS Taliha, Upper Subansiri, Arunachal Pradesh.

2: Yagum Bui
W/o Shri Haruk Bui Tator

Village Bui
PO/PS Dumporijo
Upper Subansiri
Arunachal Pradesh.

3: Yama Dupit
D/o Tagium Motu

Resident of Sigin Part III
PO/PS Daporijo
Upper Subansiri
Arunachal Pradesh.

4: Ania Dupit Muri
W/o Shri Tadam Muir

Resident of Golden Market
PO/PS Daporijo
Upper Subansiri
Arunachal Pradesh.

5: Debon Siga
S/o Tadak Siga

Resident of Ganga Colony
PO/PS Daporijo
Upper Subansiri
Arunachal Pradesh.

6: Yangam Taring
W/o Shri Tape Taring Pombu

Resident of Daporijo
Near Police Station
PO/PS Daporijo
Upper Subansiri
Arunachal Pradesh.

7: Tingi Gongo
S/o Lt. Doten Gongo

Resident of Ganga Colony
PO/PS Daporijo
Upper Subansiri
Arunachal Pradesh.

8: Poken Sindak
S/o Tapor Sindak

Resident of Nyimko Colony
PO/PS Daporijo
Upper Subansiri
Arunachal Pradesh.

9: Tasa Taring
S/o Tajum Taring

Resident of New Bazar Line
PO/PS Daporijo
Upper Subansiri
Arunachal Pradesh.

10: Yapop Ribi
W/o Talo Tibi

Resident of Tigri Colony

PO/PS Daporijo
Upper Subansiri
Arunachal Pradesh.

11: Yanga Duchok
W/o Tai Duchok

Resident of Daporijo
near RWD Colony
Upper Subansiri
Arunachal Pradesh.

12: Chani Riamuk
S/o Tacha Taring

Resident of New Bazar Line
PO/PS Daporijo
Upper Subansiri
Arunachal Pradesh

VERSUS

1:THE STATE OF AP and 2 Ors.
Represented by the Secretary, Land Management, Govt. of Arunachal Pradesh,
Itanagar.

2:The Deputy Commissioner
Upper Subansiri District
Daporijo
Arunachal Pradesh.

3:The Deputy Commissioner
Upper Subansiri District
Daporijo
Arunachal Pradesh.

4:The District Land Revenue and Settlement Officer
Upper Subansiri District
Daporijo
Arunachal Pradesh

Advocate for the Petitioner : Pritam Taffo
Minter Karbak
Eho Menjo

V Mandal

Advocate for the Respondent : GA (AP)
Dugmar Kamduk SC(LM)

BEFORE
HONBLE MR. JUSTICE NANI TAGIA

ORDER

Date : 28.03.2023

Heard Ms. Minter Karbak, learned counsel for the petitioners. Also heard Ms. Goter Ete, learned Addl. Senior Government Advocate, and Mr. Dugmar Kamduk, learned standing counsel, Department of Land Management, appearing on behalf of their respective respondents.

The writ petitioners, 12 in nos., had submitted an application to the Deputy Commissioner, Daporijo, for allotment of land at Daporijo Airfield area.

When these writ petitioners were informed by the Deputy Commissioner, Daporijo, by a Memo. No. LM/DRJ-64/2020(Part-II)/352-13, dated 05.05.2021, that the petitioners' application for allotment of land at Daporijo Airfield Area, cannot be granted as the area where the applicants are seeking allotment, falls within the Daporijo Airfield area; they had put to challenge the aforesaid Memo, dated 05.05.2021, by filing a writ petition being WP(c)91(AP)2022, which was dismissed by the Court vide order, dated 10.08.2022, being devoid of merit, on the ground that no such allotment can be given to the petitioners by the Deputy Commissioner, Daporijo, as the area, they are seeking for allotment of land, falls within the Daporijo Airfield area.

During the course of hearing, Mr. Pritam Taffo, learned counsel for the petitioners in WP(c)91(AP)2022, however, had submitted that several land allotments

had been issued to other persons in the same Daporijo Airfield area by the Deputy Commissioner, Daporijo.

When such submission was advanced by Mr. Taffo, learned counsel for the petitioners in WP(c)91(AP)2022, Ms. Ete, learned Addl. Senior Government Advocate, defending the State, had submitted that the process for cancellation of all such land allotments issued to other persons within the Daporijo Airfield area, have been initiated by the Deputy Commissioner, Daporijo.

On such submission made by the learned Addl. Senior Government Advocate, liberty was granted to the petitioners in WP(c)91(AP)2022, to approach this Court again, in the event, the land allotments given to the other persons in the Daporijo Airfield area are not cancelled by the respondent authorities.

The petitioners in WP(c)91(AP)2022, have now again approached this Court, by contending that the Deputy Commissioner, Daporijo, has not cancelled the land allotments given to the other persons in the Daporijo Airfield area and therefore, to direct the Deputy Commissioner, Daporijo, to issue land allotments to the writ petitioners, herein, also, in the Daporijo Airfield area, as have been issued to the other persons by the Deputy Commissioner, Daporijo.

The persons, who the petitioners, alleges to have been issued with the land allotment orders, have not been arrayed as respondents in this writ petition.

Liberty to the petitioners in the earlier writ petition was granted to approach this Court again for challenging the land allotments given to the persons in the Daporijo Airfield area by the Deputy Commissioner, Daporijo.

The petitioners, instead of challenging the non-cancellation of the land allotment orders issued by the Deputy Commissioner, Daporijo, to the other persons in the Daporijo Airfield area, have prayed for a direction to the Deputy Commissioner, Daporijo, to issue the land allotment orders to them within the Daporijo Airfield area where other persons have been issued with such land allotment orders.

Upon consideration of the contentions raised; I am of the considered view that no such direction can be given to the Deputy Commissioner, Daporijo, to issue the land allotment orders to the petitioners within the Daporijo Airfield area, which, according to the Deputy Commissioner, Daporijo, cannot be allotted to the petitioners.

The writ petition accordingly stands dismissed being found devoid of merit.

Needless to say that since in WP(c)91(AP)2022, the learned Addl. Senior Government Advocate had already apprised this Court that the process to cancel the land allotment orders given to the other persons within the Daporijo Airfield area have already been initiated by the Deputy Commissioner, Daporijo; the Deputy Commissioner, Daporijo, is hereby directed to complete the process of cancellation of the land allotment orders given to the other persons in the Daporijo Airfield area as expeditiously as possible.

The writ petition is disposed of in terms above.

JUDGE

Comparing Assistant