

GAHC040004442023



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

Case No. : WP(C) 169/2023

1:Yater Taggu
W/o Shri Taket Jerang,
R/o Govt. Quarter no. 284/T II located at E Sector, Naharlagun, PO/PS Naharlagun,
Arunachal Pradesh and permanent resident of Mori Village, PO/PS Rumgong, District
Siang, Arunachal Pradesh.

VERSUS

1:THE STATE OF AP and 3 Ors.
Represented by the Secretary, ULB and Housing, Govt. of Arunachal Pradesh,
Itanagar 791111

2:The Director
Housing
Govt. of Arunachal Pradesh
Itanagar
Arunachal Pradesh.

3:The Joint Director (Housing)
Govt. of Arunachal Pradesh
Itanagar
Arunachal Pradesh.

4:Yagok Tok
ASO
Arunachal Pradesh Secretariat
Govt. of Arunachal Pradesh
Itanagar
Arunachal Pradesh

Advocate for the Petitioner : Adam Tatak, Nalo Pada, Tsering Gyatso,
Bomnya Kamdak, Amy Talom

Advocate for the Respondent : Pritam Taffo, GA (AP)

**BEFORE
HONBLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 31-03-2023

Heard Mr. N. Pada, learned counsel for the petitioner. Also heard Ms. G. Ete, learned Additional Senior Government Advocate for the State respondent no. 1 and Ms. M. Karbak, learned counsel appearing on behalf of Mr. P. Taffo, learned Standing counsel for the Urban Development and Housing Department, representing the respondent nos. 2 & 3.

2. The petitioner has filed this writ petition challenging the allotment order dated 14.12.2022, issued on 16.12.2022 by the Director, Housing, vide Memo No. UDH-17011(13)/1/2021/81170-74, whereby, the Government residential Quarter No. 284/Type-II, located at 'E' Sector, Naharlagun, vacated/to be vacated by Shri Taket Jerang, Under Secretary (Retired), APPSC, has been allotted to Smti Yagok Tok, ASO, A. P. Secretariat, Government of Arunachal Pradesh, the respondent no. 4, herein.

3. The aforesaid allotment of the Quarter No. 284/Type-II, located at 'E' Sector, Naharlagun, to respondent no. 4, has been challenged by the petitioner on the ground that the same has been allotted to respondent no. 4, overlooking the petitioner's application for allotment of the said quarter, submitted to the Director, Housing, Government of Arunachal Pradesh, vide

applications, dated 12.10.2022 and 31.01.2023. The petitioner is stated to be working as an Upper Division Clerk (UDC) in the Office of the Deputy Commissioner, Yupia, Papumpare District and wife of Shri Taket Jerang.

4. Ms. Karbak, learned counsel representing the Urban Development and Housing Department has submitted that the writ petitioner had earlier approached this Court by filing a writ petition, being, WP(C) No. 52/(A)2023, in which, the same allotment order dated 14.12.2022, issued on 16.12.2022 by the Director, Housing, vide Memo No. UDH-17011(13)/1/2021/81170-74, allotting the Quarter No. 284/Type-II, located at 'E' Sector, Naharlagun, to the respondent no. 4, herein, was put to challenge. The aforesaid writ petition was disposed of by an order dated 02.02.2023, whereby, on the concession made by the petitioner that she is willing to vacate the Quarter No. 284/Type-II, located at 'E' Sector, Naharlagun, for which she would require at least a month's time to organise herself for shifting to an alternative place.

5. Having considered the concession made as above, by the petitioner, WP(C) No. 52/(AP)2023 was disposed of by an order dated 02.02.2023, whereby, the petitioner was allowed to continue to occupy the quarter at least for a month from 02.02.2023 to enable her to organise herself for shifting from the Quarter No. 284/Type-II, located at 'E' Sector, Naharlagun.

6. In the instant writ petition, the earlier writ petition no. 52/(AP)2023 filed by the petitioner has not been disclosed. After the impugned allotment order dated 14.12.2022, issued on 16.12.2022 by the Director, Housing, vide Memo No. UDH-17011(13)/1/2021/81170-74, having been challenged by the petitioner in the earlier writ petition, being, WP(C) No. 52/(AP)2023, which

was disposed of by this Court in the manner indicated, hereinabove, there was no occasion for the writ petitioner to again challenge the same allotment order dated 14.12.2022 by filing the present writ petition.

7. Accordingly, this is found to be a clear case of suppression of material facts and an abuse of the process of the Court by the petitioner.

8. In view of the above, this writ petition stands dismissed with a cost of Rs. 20,000/-.

9. A copy of the order passed in Writ Petition(C) No. 52/2023, disposed of on 02.02.2023, produced by Ms. Karbark, learned counsel is taken on record, which shall form a part of the record and be marked as "x" for identification.

JUDGE

Comparing Assistant