

GAHC040004882023



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

Case No. : IA(C) 64/2023

1:Tagam Jempen
S/o Late Tapor Jempen,
R/o Nemasibo Village, PO Monigong, PS Tato, District Shi Yomi, (AP), The Power of
Attorney Holder of Jempen Sub Clan.

VERSUS

1:Tajom Jempen and 33 Ors.
Son of Shri Tateng Jempen, Resident of Village Namasibo, PO/PS Monigong, Shi
Yomi District, (AP) 9402212388

2:Tateng Jempen
Son of Lt. Tapir Jempen
Resident of Namasibo
PO/PS Monigong
Shi Yomi District
(AP) 9436640870

3:Takar Jempen
Son of Shri Tateng Jempen
Namasibo
PO/PS Monigong
Shi Yomi District
(AP) 9362294722

4:Tachi Jempen
Son of Lt. Tanyang Jempen
Resident of Village Chengo
PO/PS Monigong
Shi Yomi District
(AP) 9402952719

5:Tatet Jempen
Son of Shri Tech Jempen
Resident of Village Chengo
PO/PS Monigong
Shi Yomi District
(AP) 9402452719

6:Tasing Jempen
Son of Shri Tatam Jempen
Resident of Village Chengo
PO/PS Monigong
Shi Yomi District
(AP) 8415821790

7:Tagu Jempen
Son of Lt. Taba Jempen
Resident of Village Chengo
PO/PS Monigong
Shi Yomi District
(AP) 9785928652

8:Tabyak Jempen
Son of Shri Tatam Jempen
Resident of Village Chengo
PO/PS Monigong
Shi Yomi District
(AP) 6033918102

9:Tapu Jempen
Son of Shri Tago Jempen
Resident of Monigong
PO/PS Monigong
Shi Yomi District
(AP) 9485296477

10:Tachuk Jempen
Son of Lt. Tanyang Jempen
Resident of Village Chengo
PO/PS Monigong
Shi Yomi District
(AP) 9402955880

11:Tatam Jempen
Son of Lt. Tapor Jempen
Village Chengo
PO/PS Monigong
Shi Yomi District
AP 9402934509

12:Takeng Jempen
Son of Lt. Tachuk Jempen Village Chengo
PO/PS Monigong
Shi Yomi District
(AP) 9402478113

13:Tanam Jempen
Son of Shri Tachi Jempen
Resident of Village Chengo
PO/PS Monigong
Shi Yomi District (AP)
9402602526

14:Tanyo Jempen
Son of Lt. Tapor Jempen
Resident of Village Korle
PO/PS Monigong
Shi Yomi District
(AP) 9436845636

15:Tanyong Jempen
Son of Lt. Tapor Jempen
Resident of Village Korle
PO/PS Monigong
Shi Yomi District
(AP) 9436845656

16:Tayor Jempen
Son of Shri Tachi Jempen
Resident of Monigong
PO/PS Monigong
Shi Yomi District
(AP)

17: Talok Jempen
Son of Tatam Jempen
Resident of Village Chengo
PO/PS Monigong
Shi Yomi District
(AP)

18: Raju Jempen
Son of Tateng Jempen
Resident of Village Namasibo
PO/PS Monigong
Shi Yomi District
(AP) 9436405889

19: Tachung Jempen
Son of Lt. Tajen Jempen
Resident of Village Korle
PO/PS Monigong
Shi Yomi District
(AP)

20: Tabyang Jempen
Son of Lt. Tachuk Jempen
Resident of Village Chengo
PO/PS Monigong
Shi Yomi District
(AP) 9402955880

21: Tabok Jempen
Son of Shri Tachi Jempen
Resident of Village Namasibo
PO/PS Monigong
Shi Yomi District
(AP) 8731981301

22: Taje Jempen
Son of Shri Tago Jempen
Resident of Monigong
Shi Yomi District
(AP) 8414988833

23:Tago Jempen
Son of Lt. Tanyang Jempen
Resident of Monigong
PO/PS Monigong
Shi Yomi District
(AP) 9436096996

24:Tabum Jempen
Son of Shri Tachi Jempen
Resident of Chengo
PO/PS Monigong
Shi Yomi District (AP)
9402952719

25:Tami Jempen
Son of Shri Tanyong Jempen
Resident of Monigong
PO/PS Monigong
Shi Yomi District
(AP) 9402823702

26:Bojum Jempen
Son of Lt. Tajen Jempen
Resident of Village Chengo
PO/PS Monigong
Shi Yomi District
(AP) 9774676431

27:Arun Jempen
Son of Shri Tayor Jempen
Resident of Village Chengo
PO/PS Monigong
Shi Yomi District
(AP) 9436217227

28:Boken Jempen
Son of Shri Tayor Jempen
Resident of Village Chengo
PO/PS Monigong
Shi Yomi District
(AP) 9774794317

29:Linga Jempen
S/o Tasing Jampen
R/o Village Chengo
PO and PS Monigong
District Shi Yomi District (AP) 6633918102

30:Tado Jempen
S/o Lt. Tajen Jempen
Resident of Village Chengo Monigong
District Shi Yomi District (AP) 6033972732

31:THE STATE OF AP
Represented by the Secretary Land Management
Govt. of Arunachal Pradesh
Itanagar.

32:The Deputy Commissioner
Shi Yomi District
Tato
Arunachal Pradesh.

33:The Union of India
Represented by the Secretary
Ministry of Road Transport and Highway
Govt. of India
Transport Bhavan
1 Parliament Street
New Delhi 110001

34:The General Manager (P)
National Highways Infrastructure Development Corporation Ltd. Ministry of
Transport and Highways
Govt. of India
TD Building
Opposite BSNL (SDO) Office
PO/PS Hapoli
Lower Subansiri District
Ziro
Arunachal Pradesh

Advocate for the Petitioner : T T Tara

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 18.04.2023

Heard Mr. G. Bam, learned counsel for the applicant. Also heard Mr. Y. Riram, learned Government Advocate representing respondent No. 31; Mr. D. Kamduk, learned Standing Counsel, Land Management Department, representing respondent No. 32; and Mr. P. Taffo, learned counsel representing the writ petitioners/respondent Nos. 1 to 30.

This is an application praying for impleadment of the present applicant as party respondent No. 5 in WP(C)/446/2022.

It is submitted by the learned counsel for the applicant, Mr. G. Bam, that the present applicant is a necessary party in the connected writ petition, being WP(C)/446/2022, filed by 30 numbers of petitioners. The present applicant is authorized to represent the Jenpen Sub Clan and the power of attorney is also given in his name to make decisions pertaining to the land acquisition of the community land, which is already occupied by the ITBP. Shri Tajom Jempen has no *locus standi* to represent the petitioners in WP(C)/446/2022 or to file any representation before the authority concerned for the other petitioners as he is not the authorized person to receive any amount or any money from the State Authority in the name of the solatium, as they prayed for. Rather, the present applicant is the authorized person to receive and disburse the land acquisition

amount as well as the solatium if it is granted by the authority concerned. Accordingly, it is submitted by the learned counsel for the applicant that the present applicant is a necessary party and he should be impleaded as party respondent No. 5 in WP(C)/446/ 2022.

In this context, the learned counsel representing the petitioners in WP(C)/446/2022 as well the State respondent and the Land Management Department have submitted that vide the said writ petition, the only prayer made by the petitioners is for disbursing of the 100% solatium for their acquisitioned land, where they have already received the adequate compensation from the authority concerned. So, the only point to be decided in the said writ petition is as to whether the petitioners are entitled to get 100% solatium from the authority concerned or whether their case is covered by the decision rendered by a Division Bench of this Court in WA/15/2022 (State of Arunachal Pradesh Vs. Mihin Laling & Anr.). Therefore, the question of impleading the present applicant as respondent No. 5 does not arise at all and he cannot be aggrieved if the State Authority disburses the 100% solatium on the compensation amount which has already been disbursed by the State authority. Accordingly, it is submitted that the present application is liable to be dismissed.

After hearing the submissions made by the learned counsels of both sides and also considering the entire facts and circumstances of the case, it is seen that the present applicant has no grievance against the petitioners in WP(C)/446/2022 if the solatium is disbursed by the State government. However, his only grievance is that he being the authorized person, the compensation

amount or the solatium has to be disbursed through him as he is representing the said clan. But, from the context of the writ petition, it reveals that all the petitioners have already received their compensation on their acquisitioned land and the only question remained to be decided as to whether they are entitled to get 100% solatium on their acquisitioned land or not and the Court is not to pass any order to disburse the amount through any private person or the applicant if any order for solatium is passed and in that case, the State government will be directed to pass necessary order in that regard and not by any private person.

So, considering the entire facts and circumstances of the case, I find that the present applicant is no way aggrieved by the order of compensation passed by the State government nor he is aggrieved if the order of solatium is passed by this Court and accordingly, I am of the view that the present applicant is not at all a necessary party in the connected writ petition, being WP(C)/446/2022, and therefore, his prayer for impleadment as respondent No. 5 in WP(C)/446/2022 is hereby rejected.

In terms of above, this interlocutory application stands disposed of.

JUDGE

Comparing Assistant