

GAHC040005832023



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

Case No. : WP(C)/212/2023

Torik Karga and 20 Ors.

W/o R. C. Tassar,

R/o A Sector, Itanagar, PO/PS Itanagar, Papumpare District, AP 2: Byabang Palik

Age:

Occupation :

3: Dado Tana

Age:

Occupation :

4: Pejjum Potom

Age:

Occupation :

5: Tatu Riba

Age:

Occupation :

6: Toko Meka

Age:

Occupation :

7: Nyapa Lomi

Age:

Occupation :

8: Keni Riba

Age:
Occupation :

9: Tamat Komut
Age:
Occupation :

10: Hage Sunku
Age:
Occupation :

11: Murtem Yayi
Age:
Occupation :

12: Yapang Nitik
Age:
Occupation :

13: Purpa Tamang
Age:
Occupation :

14: Gouri Purkayastha
Age:
Occupation :

15: Yamang Tamant
Age:
Occupation :

16: Khyoda Ayum
Age:
Occupation :

17: Nyari Tajo
Age:
Occupation :

18: Tadar Yabin

Age:

Occupation :

19: Marpen Nalo

Age:

Occupation :

20: Rekha Thrizu

Age:

Occupation :

21: Yukar Kiochik

Age:

Occupation

VERSUS

THE STATE OF AP and Anr.

Represented by the Secretary (Housing), Govt. of Arunachal Pradesh, Itanagar.

2:The Director (Housing)

Age: 0

Occupation

Advocate for the Petitioner : Dugmar Kamduk

Advocate for the Respondent : GA (AP)

BEFORE
HONBLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

07.11.2023

1. Heard Mr. D. Kamduk, learned counsel for the petitioners. Also heard Mr. P. Taffo, learned counsel for the respondent No. 2.
2. The petitioners are employees of different departments under the Government of Arunachal Pradesh and they have been under occupation of government quarters allotted to them at A-Sector, Itanagar. They are aggrieved by a vacation order dated

25.04.2023 issued by the Director (Housing of Government of Arunachal Pradesh) for vacating the quarters they are in possession. Such order was issued on the ground that the Government is proposing to construct Multi-storied residential buildings in place of the existing Govt. Quarters at A-Sector, Itanagar allotted to the petitioners and the petitioners shall be shifted to another place/building which has been specially built for urban poor people.

3. The basic grievance of the petitioners is that though they have been given alternative accommodation, but those alternative accommodations are not fit for human habitation.
4. It is the further case of the petitioners that the aforesaid alternative accommodation given has been constructed with basic amenities for urban poor, whereas, the petitioner are person living above poverty line and as such the alternative accommodation granted are not at par with their status as govt. employee.
5. It is a specific stand of the housing department that the quarters of various sectors/colonies of the Itanagar were constructed more than 50 years ago and these quarters are now old and in bad condition and therefore, the Government has taken a decision and planned to construct new, modern Multi-storied flats in place of these old quarters for govt. employees in phased manner.
6. It is a specific stand of the State respondents that in the first phase, a cluster of type-II quarters at A-Sector, Itanagar where the petitioners are presently residing has been approved by the Government for redevelopment and the employees of A-Sector whose quarters have been sought to rebuild will be accommodated in these better flats with additional facilities such as parking space, common garden and secured compound area and play space for their children.
7. From the aforesaid, it is seen that a development project has been decided to taken by the Government for construction of the quarters for the employees like the petitioners. Such projects can only be halted when such action on the part of the State infringes any vested and concluded right of the petitioners. Admittedly, the

petitioners are government employees and it cannot be said that each and every employee under the State are having a vested and concluded right to have quarters/accommodation given by their employer inasmuch as the employees are given HRA in lieu of accommodation.

8. It is also well settled that for issuance of a writ of mandamus, existence of a vested and concluded/legal right is a sine qua non. This Court is of the considered opinion that being a government employee, the petitioners shall have no vested and concluded right to continue to stay in the quarters, which the government is proposing to demolish and rebuild quarters that too in a given specific stand of the Government that those quarters are being made for the employees including the petitioners.
9. In view of the aforesaid discussions and reasons, this Court finds no merit in this present writ petition. Accordingly, same stands dismissed. It is needless to say that if the petitioners are not happy with the alternative accommodation, they shall be at liberty not to avail such accommodation and avail the HRA instead.
10. At this stage, the learned counsel for the petitioner submits that the petitioners may be given some time to vacate their quarters. Accordingly, it is provided that the petitioner shall vacate their quarters within a period of one month from today.
11. With the aforesaid term, this writ petition stand dismissed.
12. Interim order passed earlier stands vacated.

JUDGE

Comparing Assistant