

GAHC040006392021



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

Case No. : WP(C) 215/2021

1:Sama Dodum
S/o Late Taje Dodum, R/o Gohpur Tinali, Itanagar, PO RK Mission, Papumpare
District, Arunachal Pradesh

VERSUS

1:Chief Estate Officer
Govt of Arunachal Pradesh, PO Itanagar, Papumpare District, Arunachal Pradesh

Advocate for the Petitioner : Rajesh Sonar

Advocate for the Respondent : SC CEO

BEFORE
HONBLE MR. JUSTICE NANI TAGIA

ORDER

Date : 07-03-2023

Heard Mr. B. Nyaruch, learned counsel for the petitioner.

None appears for the respondents on call.

2. This writ petition is directed against the letter, dated 06.04.2021, issued by the Chief Estate Officer, Government of Arunachal Pradesh, Itanagar, vide Order no. CEO/ICC/DAD-2086/2020/7050-56, whereby, the petitioner has been denied the No Objection Certificate (NOC) to undertake earth cutting at

Lorr Village, Itanagar, (earlier known as Lorr Putung Village) near Ganga Lake.

3. The petitioner's case is that the petitioner has a private plot of land measuring 50,000 Sqmtrs, located at Lorr Village area, Itanagar, which is bounded by in the North: Road/Hill area; in the South: Ganga Lake/Road; in the East: Hill top area and in the west: Nallah, for which a Land Possession Certificate (LPC), dated 10.12.2005 has been issued by the Deputy Commissioner, Papum Pare District, Yupia, vide No. DC/LM/LPC-160/05.

4. The further case of the petitioner is that the petitioner would like to construct an approach road to connect his plot of land at Lorr Village, Itanagar with the main road.

5. On perusal of the impugned letter, dated 06.04.2021, it appears that the Deputy Chief Wildlife Warden, Itanagar Wildlife Division, Naharlagun, had written a letter, dated 23.03.2021, to the Deputy Commissioner, Yupia, for cancellation of the LPC, dated 10.12.2005, issued to the petitioner on the ground that the LPC, dated 10.12.2005, was issued to the petitioner without obtaining NOC from the Itanagar Wildlife Sanctuary authorities, which is a violation of the Wildlife Protection Act, 1972 and Forest Conservation Act, 1980.

6. A perusal of the impugned letter, dated 06.04.2021, itself indicates that a process has been initiated to cancel the LPC, dated 10.12.2005, issued to the petitioner by the Deputy Commissioner, Yupia, on the ground that NOC was not obtained from the Itanagar Wildlife Sanctuary authorities required under the Wildlife Protection Act, 1972 as well as Forest Conservation Act, 1980, before issuing the LPC, dated 10.12.2005, to the petitioner.

7. Therefore, whether the petitioner would be entitled to possess the land measuring 50,000 Sqms, vide the LPC, dated 10.12.2005, itself has come under cloud. Even if the petitioner is found to be entitled to the possession of 50,000 Sqms of land, in terms of LPC, dated 10.12.2005, no construction of approach road as proposed by the petitioner can be permitted to be done as the same would pass through a Wildlife Sanctuary and Forest Area, within the meaning of the Wildlife Protection Act, 1972 as well as Forest Conservation Act, 1980, respectively, as is found from the impugned letter, dated 06.04.2021, issued by the Chief Estate Officer, Government of Arunachal Pradesh, Itanagar, to the petitioner.

8. In view of the above, no interference is called for to the impugned letter, dated 06.04.2021, issued by the Chief Estate Officer, Government of Arunachal Pradesh, Itanagar, vide Order no. CEO/ICC/DAD-2086/2020/7050-56.

9. Accordingly, the writ petition stands dismissed being devoid of merit.

JUDGE

Comparing Assistant