

GAHC040009392023



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

Case No: IA(C)/125/2023

Mudang Duri
Age: 43
Occupation :
Address: Son of Late Mudang Nalye

Resident of Hong Village
PO Ziro
District Lower Subansiri
Arunachal Pradesh. 791120
Mobile No. 8575582030

VERSUS

THE STATE OF AP and 4 Ors.
Age: 0
Occupation :
Address: Through the Chief Secretary
Govt. of Arunachal Pradesh
Itanagar 791111

2: the Secretary (Land Management)
Age: 0
Occupation :
Address: Govt. of Arunachal Pradesh
Itanagar
Pin No. 791111

3: the Deputy Commissioner
Age: 0
Occupation :
Address: Lower Subansiri District
Ziro

Arunachal Pradesh 791120

4:the Executive Engineer

Age: 0

Occupation :

Address:PWD Division

Ziro

Lower Subansiri District

Arunachal Pradesh 791120

5:the Deputy Commissioner

Age: 0

Occupation :

Address:Kendriya Vidyalaya Sangathan Regional Office

Tinsukia

Raj Ali Road

Nau Pukhri

District Tinsukia

Assam 786125

Advocate for : Subu Koyang

Advocate for : GA (AP)

Linked Case : WP(C)/2/2023

Mudang Duri

Age: 43

Occupation :

Address:S/o Late Mudang Nalye

Village Hong

PO Ziro

Lower Subansiri District

(AP)

Pin Code No. 791120

Contact No. 8575582030

VERSUS

THE STATE OF AP and 4 Ors.

Age: 0

Occupation :

Address:Represented by the Chief Secretary

Govt. of Arunachal Pradesh

Itanagar 791111

2:The Secretary

Age: 0
Occupation :
Address:(Land Management)
Govt. of Arunachal Pradesh 791111

3:The Deputy Commissioner
Age: 0
Occupation :
Address:Lower Subansiri District
Ziro
Arunachal Pradesh 791120

4:The Executive Engineer
Age: 0
Occupation :
Address:PWD Division
Ziro
Arunachal Pradesh. 791120

5:The Deputy Commissioner
Age: 0
Occupation :
Address:Kendriya Vidyalaya Sangathan
Regional Office
Tinsukia
Raja Ali Road
Nau Pukhri
District Tinsukia
Assam 786125

Advocate for : Subu Koyang
Advocate for : GA (AP)

BEFORE
HONBLE MR. JUSTICE NANI TAGIA

ORDER

Date : 19-07-2023

This is an application filed by the applicant seeking modification of the order, dated 09.06.2023, which is a common order passed in WP(C)02/2023, WP(C)57/2020 and WP(C)270/2022, whereby, prayer made by the learned counsel for the petitioner for causing service of notice upon the respondent

no. 5 by newspaper publication was allowed.

2. The modification of the said order is sought on the ground that no particular newspaper in which the notice is required to be published was indicated and more so, the respondent no. 5 in WP(C)02/2023 and WP(C)270/2022 is a resident of Tinsukia, Assam, whereas, the respondent no. 5 in WP(C)57/2020 is a resident of Ziro.

3. Accordingly, the applicant contends that publication of notice in the newspaper will have to be made in different newspapers for the respondent no. 5 in WP(C)02/2023 and WP(C)270/2022, than in the case of respondent no. 5 in WP(C)57/2020.

4. In the instant application, the applicant has also sought for causing service of notice upon the respondent no. 4 by substituted mode. However, the respondent no. 4 is found to be an Executive Engineer, PWD Division, Ziro, Government of Arunachal Pradesh and in that view of the matter, the respondent no. 4 is duly represented by Ms. G. Ete, learned Additional Senior Government Advocate. Thus, no formal notice is required to be sent to respondent no. 4.

5. Having regard to the prayer made by the applicant for modification of the order, dated 09.06.2023, for causing service upon the respondent no. 5 by substituted mode, this application is allowed by providing that the petitioner shall take steps to cause publication of the notice upon the respondent no. 5 in *the Assam Tribune*, within a period of 3 (three) weeks from today by showing the next date of appearance on 18th September, 2023.

6. After the aforesaid notice is published in the newspaper indicated above,

the applicant shall file an affidavit enclosing a copy of the newspaper, where such notice has been published.

7. The interlocutory application stands disposed of.

JUDGE

Comparing Assistant