

GAHC040009752021



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

Case No. : WP(C) 321/2021

1:Ariya Meto and 29 Ors.
S/o Unti Meto,
R/o Keraa Ati, PO/PS Roing, Lower Dibang Valley District, Arunachal Pradesh

2: Reti Misu
Permanent resident of Village Iphingo
Roing Circle
Lower Dibang Valley
AP 792110

3: Alopi Mekola
S/o Atro Mekola

Permanent resident of Village Iphingo
P.O/P.S Roing
Lower Dibang Valley District
Arunachal Pradesh

4: Tura Linggi
S/o Shri Tima Linggi

permanent resident of Kebali village
Roing
Lower Dibang Valley District
Arunachal Pradesh

5: Santi Miwu
W/o Shri Faine Tapo

Permanent resident of Kebali Village

P.O/PS Roing
Lower Dibang Valley District
Arunachal Pradesh

6: Santi Linggi
W/o Akole Linggi

Permanent resident of Village Kebali
P.O/P.S Roing
Lower Dibang Valley District
Arunachal Pradesh

7: Kuni Linggi
S/o Shri Aka Linggi

Permanent resident of Village Iphingo
P.O/P.S Roing
Lower Dibang Valley District
Arunachal Pradesh

8: Kinako Linggi
W/o Shri Somi Elapra

Permanent resident of village Iphingo
Roing Circle
Lower Dibang Valley District
Arunachal Pradesh

9: Heta Elapra
S/o Kogo Elapra

Permanent resident of Iphingo 6 Km Village
Roing Circle
Lower Dibang Valley District
Arunachal Pradesh

10: Ajay Ekru
S/o Nusuchu Ekro
Permanent resident of Village Iphingo Village
P.O/P.S Roing
Lower Dibang Valley District
Arunachal Pradesh

11: Simili Mithi
W/o Ekata Mili

Permanent resident of Village Kebali
Lower Dibang Valley District
Arunachal Pradesh

12: Athuko Tapo
S/o Shri Sundu Tapo

permanent resident of Village Kebali
Lower Dibang Valley District
Arunachal Pradesh

13: Ista Pulu
S/o Shri Risha Pulu

Permanent resident of Village Kebali
P.O/P.S Roing
Lower Dibang Valley District
Arunachal Pradesh

14: Joweta Meme
S/o Limu Meme
Permanent resident of Roing Mayu II
P.O/P.S Roing
Lower Dibang Valley District
Arunachal Pradesh

15: Jitu Pulu
S/o Shri Ahuki Pulu

Permanent resident of School Line Mayu II
Lower Dibang Valley District
Arunachal Pradesh

16: Sipi Elapra
W/o Aken Linggi

Permanent Resident of Roing Mayu I
Roing Circle
Lower Dibang Valley District

Arunachal Pradesh

17: Akene Linggi
S/o Pitu Linggi

Permanent resident of Kendriya Vidyalaya Colony
Roing
Lower Dibang Valley District
Arunachal Pradesh

18: Nimati Elapra
W/o Muachu Mihu

Permanent resident of Village Mayu II
P.O/P.S Roing
Lower Dibang Valley
Arunachal Pradesh

19: Jino Linggi
S/o Andasi Linggi

Permanent resident of Iphingo village
Roing Circle
Lower Dibang Valley District
Arunachal Pradesh

20: Tiba Mili
S/o Shri Akhota Mili

Permanent resident of Village Ephingo
P.O/P.S Roing
Lower Dibang Valley District
Arunachal Pradesh

21: Chiko Tapo
S/o Batu Tapo

Permanent resident of Villae Kebali
Roing
Lower Dibang Valley District
Arunachal Pradesh

22: Demaji Linggi
S/o Shri Jabonge Linggi

Permanent resident of Village Kebali
Roing
Lower Dibang Valley District
Arunachal Pradesh

23: Dature Miuli
S/o Shri Yindo Miuli

Permanent resident of Iduli Village
Lower Dibang Valley District
Arunachal Pradesh

24: Ela Linggi
S/o Shri Enga Linggi

Permanent resident of Ezengo
Roing
Lower Dibang Valley District
Arunachal Pradesh

25: Jumili Elapra
W/o Shri Ongome Mishu

Permanent resident of Village Iphingo
Roing Circle
Lower Dibang Valley District
Arunachal Pradesh

26: Aja Elapra
S/o Shri Janu Elapra

Permanent resident of Roing Cheta I
Lower Dibang Valley District
Arunachal Pradesh.

27: Bihani Melo
S/o Shri Yoge Melo

Permanent resident of Village Iphingo
Roing Circle

P.O/P.S Roing
Lower Dibang Valley District
Arunachal Pradesh

28: Japani Miche
S/o Shri Akudu Miche

Permanent resident of Village Iphingo 6 Km Point
P.O/P.S Roing
Lower Dibang Valley District
Arunachal Pradesh

29: Ipra Mekola
S/o Shri Yage Mekola

Permanent resident of Ezengo Village
P.O/P.S Roing
Lower Dibang Valley District
Arunachal Pradesh

30: Azadi Pulu
S/o Lt. Ahuki Pulu
Permanent resident of Village Mayu II
Roing
Lower Dibang Valley District
Arunachal Pradesh

VERSUS

1:THE STATE OF AP and 2 Ors.
Represented by the Secretary, Department of Land Management, Govt. of Arunachal Pradesh, Itanagar

2:The 752 BRTF
HQ 752 BRTF (GREF)
Roing
Lower Dibang Valley District
AP

3:The Deputy Commissioner
Roing
Lower Dibang Valley District
Arunachal Pradesh

Advocate for the Petitioner : Sunil Mow

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 10.03.2023

Heard Mr. S. Mow, learned counsel for the petitioners. Also heard Mr. S. Tapin, learned Senior Government Advocate representing the State.

The petitioners, all together 30 in nos., have approached this Court praying for payment of solatium contending that each of the petitioner's land were acquired in terms of the notification dated 29.07.2014, issued under *Section 10 of Balipara/Tirap/Sadiya Frontier Tract Jhum Land Regulation Act, 1947 (In short Act of 1947)*, by the Commissioner, Land Management, Government of Arunachal Pradesh, vide no. LM-58/2014, for acquisition of land "*Starting from 5.6 point on Meka Hunli Anini road right bank of Ihipani river to 16 Km point*" without, however, payment of any solatium to the petitioners.

The petitioners contend that by a judgment of the Division Bench of this Court dated 12.09.2022 passed in WA/15/2022, it is a settled proposition of law that in a land acquisition made under Act of 1947 the compensation payable for the land acquired would be determinable in terms of the *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation And Resettlement Act, 2013, (In short Act of 2013)* and accordingly, the petitioners herein, would also be entitled to the payment of solatium in

accordance with the Act of 2013.

I have perused the judgment rendered by the Division Bench of this Court dated 12.09.2022 in WA 15/2022, wherein, it has been held that though the petitioner's land therein were acquired under Section 10 of the Act of 1947, yet, the petitioners are entitled to payment of solatium as well as the interest as provided in the Act of 2013.

In view of the above, this writ petition is disposed of with a direction to the Deputy Commissioner, Lower Dibang Valley, Roing to verify as to whether the petitioners herein were paid the compensation pursuant to the notification dated 29.07.2014, issued under *Section 10 of Balipara/Tirap/Sadiya Frontier Tract Jhum Land Regulation Act, 1947*, issued by the Commissioner, Land Management, Government of Arunachal Pradesh, vide no. LM-58/2014 for acquisition of land "*Starting from 5.6 point on Meka Hunli Anini road right bank of Ihipani river to 16 Km point.*" If, on verification made it is found that the petitioners herein have been paid the compensation pursuant to the notification dated 29.07.2014, issued under *Section 10 of Balipara/Tirap/Sadiya Frontier Tract Jhum Land Regulation Act, 1947*, the petitioners shall also be paid the solatium as well as the interest in terms of the Act of 2013.

The verification as directed above and the payment thereof, if any, shall be made by the respondents as expeditiously as possible and in any case, not later than 3 months from the date of receipt of a certified copy of the order passed today, which shall be submitted by the petitioners along with a copy of the writ petition as well as the additional affidavit to the Deputy Commissioner, Lower Dibang Valley, Roing.

Writ petition stands disposed of with the above direction.

JUDGE

Comparing Assistant