

GAHC040010252023



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

Case No. : WP(C)/353/2023

Leyu Gangam Nilling
S/o Shri Diga Nilling R/o Peon Colony, Upper Subansiri District, Daporijo, AP

VERSUS

1. The State of AP and 4 Others
represented by the Secretary (Land Management), Govt. of Arunachal Pradesh,
Itanagar.

2: The Director Land Record & Management, GAP, Itanagar.
Age: 0 Occupation :

3: The DC, Upper Subansiri District, Daporijo, AP
Age: 0 Occupation :

4: The Extra Assistant Commissioner cum Estate Officer, Upper Subansiri District,
Daporijo, AP
Age: 0
Occupation

5. Smti Yane Debom peon, O/o the DC, Upper Subansiri District, R/o Peon Colony,
PO/PS Daporijo, AP
Age: 0
Occupation

Advocate for the Petitioner : Loma Kurdu
K Dagium
Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 02.08.2023

Heard Mr. Loma Kurdu, learned counsel for the petitioner. Also heard Mr. Yomi Riram, learned Government Advocate, appearing on behalf of respondents No. 3 & 4.

This writ petition is directed against the order, dated 24.07.2023, passed by the Extra-Assistant Commissioner(EAC)-cum-Estate Officer, Upper Subansiri District, Daporijo, under Memo. No. LM/DRJ-18/2020, whereby, the petitioner Shri Gangam Nilling has been directed to demolish the structure constructed by him within the premises of GA/T-I, Peon Colony, Daporijo, within 7 days from the date of issue of the order, failing which, the Town Magistrate, Upper Subansiri District, Daporijo, has been directed to carry-out the order.

The aforesaid order, dated 24.07.2023, has been passed by the Extra-Assistant Commissioner(EAC)-cum-Estate Officer, Upper Subansiri District, Daporijo, pursuant to rejection of an appeal preferred by the petitioner under Section 12 of the Arunachal Pradesh Public Premises (Eviction of Unauthorized Occupants Act), 2003, by the appellate authority, namely, the Deputy Commissioner, Upper Subansiri District, Daporijo.

Neither the order passed by the Deputy Commissioner, Upper Subansiri District, Daporijo, in the appeal preferred by the petitioner under Section 12 of the Arunachal Pradesh Public Premises (Eviction of Unauthorized Occupants Act), 2003, nor, the

order passed by the Estate Officer, Upper Subansiri District, Daporijo, against which order, the appeal was preferred by the petitioner; have been put to challenge in this writ petition.

In the absence of any challenge made to the order passed by the Deputy Commissioner, Upper Subansiri District, Daporijo, on an appeal preferred by the petitioner under Section 12 of the Arunachal Pradesh Public Premises (Eviction of Unauthorized Occupants Act), 2003, the impugned order, dated 24.07.2023, passed by the Extra-Assistant Commissioner(EAC)-cum-Estate Officer, Upper Subansiri District, Daporijo, which has been issued pursuant to the order of the Deputy Commissioner, Upper Subansiri District, Daporijo, passed in the appeal preferred by the petitioner under Section 12 of the Arunachal Pradesh Public Premises (Eviction of Unauthorized Occupants Act), 2003; the impugned order, dated 24.07.2023, passed by the Extra-Assistant Commissioner(EAC)-cum-Estate Officer, Upper Subansiri District, Daporijo, vide Memo. No. LM/DRJ-18/2020, cannot be interfered with by the Court at this stage.

Accordingly, the writ petition stands dismissed with liberty granted to the petitioner to challenge the order passed by the Deputy Commissioner, Upper Subansiri District, Daporijo, on an appeal preferred by the petitioner under Section 12 of the Arunachal Pradesh Public Premises(Eviction of Unauthorized Occupants Act), 2003, challenging the order passed by the Extra-Assistant Commissioner(EAC)-cum-Estate Officer, Upper Subansiri District, Daporijo.

JUDGE

Comparing Assistant