

GAHC040012522022



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

Case No. : Cont.Cas(C) 34/2022

1:Tashi Pujen and Anr.
S/o Late Tabin Pujen

Resident of Village Monigong
PO and PS Aalo
District Shi Yumi
Arunachal Pradesh.

2: Tagam Jenpen
S/o Late Tapor Jenpen

Resident of Village Monigong
PO and PS Aalo
District Shi Yumi
Arunachal Pradesh.
VERSUS

1:Ajay Kumar Bhalla and 5 Ors.
IAS
the Secretary
Ministry of Home Affairs
Govt. of India
North Block
New Delhi 110001

2:Sujoy Lal Thaosen
IPS
The Director General
Indo Tibetan Border Police
Block 02
CGO Comple

Lodhi Road
New Delhi 3

3:Shyam Mehrota
IPS
The Inspector General
ITBP North Eastern Frontier
AP Old Secretariat Building
Contt Area
G.S Road
Shillong 1 Meghalaya.

4:Pankaj Jha
The Secretary
Land Management
Govt. of Arunachal Pradesh
Itanagar 791111

5:Mitho Dirchi
The Deputy Commissioner
District Shi Yomi Tato
Arunachal Pradesh.

6:K.P Singh
The Commandant 20th BN ITBP
99/APO Arunachal Pradesh.

Advocate for the Petitioner : S K Deori
Advocate for the Respondent : GA (AP)

BEFORE
HONBLE MR. JUSTICE NANI TAGIA

ORDER

Date : 15-03-2023

None appears for the petitioners, on call. However, Mr. Marto Kato, learned counsel, and Mr. Mepe Ete, learned counsel, are present on behalf of Respondents No. 1, 2, 3 & 6; and respondent No. 4, respectively.

This contempt petition has been filed alleging violation of the judgment, dated 22.11.2021, passed by the Court in WP(c)08(AP)2021, whereby the Court had passed

the following directions:

- “(i). The final decision as regards the amount of land to be acquired be taken by the Director General of ITBP within a period of 2(two) months from the date of receipt of the certified copy of the order.
- (ii) The decision that may be taken be communicated to the Deputy Commissioner, Shi Yomi District stating the precise amount and location of the land that the ITBP would like to acquire within a period of 15(fifteen) days from the date of arriving at the final decision by the Director General of ITBP.
- (iii). The Deputy Commissioner, Shi Yomi District, where required, shall within a period of 1(one) month from the date of receipt of the communication from the Director General of the ITBP, make a fresh estimate of the amount of compensation that would be required to be paid and communicate the same to the Director General.
- (iv). The Director General upon receiving the further estimate from the Deputy Commissioner, Shi Yomi District shall do the needful to obtain the approval and sanction of the estimated amount from the appropriate authorities in the Government of India, preferably within a period of 3(three) months from the date of receiving the communication from the Deputy Commissioner and upon the approval and sanction being obtained shall forthwith deposit the same in the given account of the Deputy Commissioner, Shi Yomi District.
- (v). If the final decision to be taken by the Director General, ITBP would be that the entire amount of land acquired through the notification dated 09.07.2019 would be required and the required land would neither be less nor more than what was acquired through the notification dated 09.07.2019, the approval and sanction for the reestimated amount of Rs. 37,44,94,288.5/- (Rupees Thirty Seven Crore Fourty Four Lakh Ninety Four Thousand Two Hundred Eighty Eight) be obtained from the appropriate authorities in the Government of India preferably within a period of 3(three) months from arriving at such final decision and upon the approval and sanction being obtained shall forthwith deposit the same in the given account of the Deputy Commissioner, Shi Yomi District.”

It has been submitted by Mr. Kato, learned counsel appearing on behalf of Respondents No. 1, 2, 3 & 6, that Respondent No. 6, Shri K. P. Singh, Commandant, 20th BN ITBP, 99/APO, Arunachal Pradesh, was transferred and in his place, one Shri Dharam Pal Singh Rawat, Commandant, 20th BN ITBP, 99/APO, Arunachal Pradesh, was posted, who, accordingly has filed an affidavit on 23.12.2022, stating that the judgment, dated 22.11.2021, passed by the Court in WP(c)08(AP)2021, have been complied with.

In view of the affidavit filed by Shri Dharam Pal Singh Rawat, Commandant, 20th BN ITBP, 99/APO, Arunachal Pradesh, on 23.12.2022; it has been stated in paragraphs No. 2 & 3, as under:

“2. That the deponent begs to state that, accordingly, in compliance of aforesaid directions of this Hon’ble Court, the Deputy Commissioner, Shi-Yomi District, the assessment of the land compensation was carried out to the tune of Rs. 2,61,03,150/- against land measuring 60,705 Sqmts at Monigong, Rs. 1,74,02,100/- against land measuring 40,470 Sqmts at Tadadege and Rs. 64,50,000/- against land measuring 24,000 Sqmts at Hankar BOP Camp Area. Thereafter, aforesaid Land Compensation estimated, was forwarded to the applicant, vide Letter No. SHY/LM-38/ITBP/2020(Pt-I)/683, dated 23.05.2022 and Letter vide No. SHY/LM-38/ITBP/2020/851, dated 14.10.2022.

3. That the deponent begs to state that, accordingly, it was processed for approval, sanction and released of the aforesaid land compensation by the Ministry of Home Affairs, Government of India and after obtaining approval and sanctioned, the aforesaid land compensation amount, in respect of aforesaid land, the applicant deposited Rs. 64,50,000/-, Rs. 2,61,03,150/- and Rs. 1,74,02,100/- in the Bank Account of the Deputy Commissioner, Shi Yomi District, on 15.11.2022 and 17.11.2022, which has been duly acknowledged by the Deputy Commissioner, Shi-Yomi District, vide his Letter dated 30.11.2022. Hence, the Judgment and Order of this Hon’ble Court, passed in Writ Petition (C) No.08/2021 filed by Shri Tashi Pujen & Anr-vrs- Union of India & 7 Ors, on dated 22.11.2021, has duly been complied.”

In view of the above, this contempt petition stands closed and disposed of.

JUDGE

Comparing Assistant