



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

Case No. : CRP/20/2021

Duge Taipodia and Anr.
S/o Shri Godu Taipodia,
Resident of Bali Village, P.O and P.S Likabali, Lower Siang District, Arunachal Pradesh 2: Karmi Taipodia
Age:
Occupation

VERSUS

The Deputy Commissioner and 2 Ors..
Likabali, Lower Siang District, Arunachal Pradesh 2:The Additional Deputy Commissioner cum Executive Magistrate
Age: 0
Occupation :

3:Mijar Taipodia
Age: 0
Occupation

Advocate for the Petitioner : Ninnong Ratan

Advocate for the Respondent : GA (AP)

CRP/42/2022

Mijar Taipodia
Age: 32
Occupation :
Address:S/o Lt. Karmi Taipodia

Vill Bali
PO and PS Likabali
Dist Lower Siang
Arunachal Pradesh.

VERSUS

Duge Taipodia and 3 Ors.
Age: 0
Occupation :
Address:S/o Shri Godu Taipodia

Vill Bali
PO and PS Likabali
Dist. Lower Siang
Arunachal Pradesh.
2:Karmi Taipodia
Age: 0
Occupation :
Address:S/o Shri Gokar Taipodia

Vill Bali
PO and PS Likabali
Dist. Lower Siang
Arunachal Pradesh.

3:Senyum Taipodia
Age: 0
Occupation :
Address:S/o Shri Masen Taipodia

Vill Bali
PO and PS Likabali
Dist Lower Siang
Arunachal Pradesh.

4:Mapak Taipodia
Age: 0
Occupation :
Address:S/o Late Mapak Taipodia

Vill Bali
PO and PS Likabali
Dist. Lower Siang
Arunachal Pradesh.

Advocate for : Kamal Saxena
Advocate for : Vijay Jamoh appearing for Duge Taipodia and 3 Ors.: Advocate ,

,

, appearing for 2,
3,
4, respectively.

**BEFORE
HONBLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

JUDGMENT

Date : 26-09-2023

1. Heard Mr. V. Jamoh, learned counsel for the petitioners and Ms. P. Sangita, learned Government Advocate for the respondent No. 1 & 2. Also heard Mr. R.L Thungong, learned counsel for the respondent No. 3. The respondent No. 3 is the petitioner of CRP No. 42(AP)/2022
2. The Civil Revision Petition No. 20(AP)/2021 is filed under Article 227 of the Constitution of India read with Section 115 of the Code of Civil Procedure, 1908 (C.P.C for short), with prayer to set aside and quash the impugned Order No. LKB/JUD-K/42-09/2018/305 dated 22.09.2021 passed by the Addl. Deputy Commissioner-cum-Executive Magistrate (ADC for short), Lower Siang District, Likabali, whereby and where under, the ownership of the ancestral land of the petitioners have been illegally and arbitrarily decided in favour of Bali Taipodia Community. The petitioners in this case are Shri Duge Taipodia and Shri Karmi Taipodia and they are cousins. The Deputy Commissioner, (DC for short), Likabali, Additional Deputy Commissioner-cum-Executive Magistrate, (ADC for

short), Likabali and Shri Mijar Taipodia are arrayed as respondent nos. 1, 2 and 3 respectively. The petitioners have contended that the impugned order dated 22.09.2021 has been illegally and arbitrarily passed by the learned ADC. Originally, the petitioners had inherited a traditional fishing area named as "Ligone" at Siji River under Likabali, Lower Siang District from their Late Grandfather, Igo Taipodia. This land was under the lawful possession of the petitioners and they have been occupying the same without any disturbances from any quarter.

3. In the month of January, 2021, Shri Senyum Taipodia and Shri Mapak Taipodia of Bali village have encroached into the traditional fishing area of the petitioners and removed boulders from the said area. Thereafter, the petitioners lodged a complaint dated 19.01.2021 before the Deputy Commissioner, Likabali regarding the illegal encroachment and removal of boulders and vide letter dated 06.02.2021 requested the ADC, Likabali to hold a 'Keba' with respect to the intrusion.

4. Vide order No. LM/LSD-04/2019-20//24// dated 26.02.2021, the Head Gaonburah (HGB for short) of Bali village was directed to conduct Keba between the petitioners and Shri Senyum taipodia and Shri Mapak Taipodia regarding the disputed area. The Keba was conducted on 12.03.2021 between the petitioners and Shri Senyum Taipodia and Shri Mapak Taipodia and the Keba members observed and held that the traditional fishing area originally belonged to the late

grandfather of the petitioners and the Keba allowed the petitioners to use the disputed area for two years only, despite their findings that the land originally belonged to their Grandfather. The petitioners were allowed to use the land from 01.05.2023 to 31.05.2025 and further, it was decided that the aforementioned area shall remain with the Bali Taipodia Community.

5. Against the Order No. LM/LSD-04/2019-20//24// dated 26.02.2021, the respondent No. 3, Mijar Taipodia filed an application under Article 227 of the Constitution of India, which was registered as CRP No. 42(AP)/2022. Aggrieved by the Keba decision dated 12.03.2021, the petitioners of CRP No. 20(AP)/2021, (Duge and Karmi) preferred an appeal dated 17.03.2021 before the Deputy Commissioner, Likabali, and accordingly, the Executive magistrate, Likabali vide its judgment and order dated 15.05.2021 disposed of the appeal and directed that Shri Senyum Taipodia and Shri Mapak Taipodia shall run the Ligone Quarry, i.e. the Traditional Fishing area for a period of six months w.e.f. June, 2021 to November, 2021 on lease basis and the lease was to be paid to the petitioners with a direction that the Ligone Quarry should be handed over to the petitioners. The respondent No. 3/petitioner in CRP No. 42(AP)/2022 is aggrieved by the order dated 15.05.2021 and has prayed for setting aside this order also.

6. Meanwhile to the utter shock and dismay of the petitioners, Duge Taipodia and Karmi Taipodia, a Notice No. LKB/JUD-K/42-09/2018/149 dated 29.07.2021

was issued by the Deputy Commissioner, Lower Siang District, whereby, a hearing was fixed on 03.08.2021 with regard to the same area at Siji river. The aforesaid notice was issued on the basis of a complaint made by Shri Sendo Taipodia, who was not even a party either, in the Keba meeting dated 12.03.2021 or judgment and order dated 15.05.2021 passed by the Executive Magistrate. In respect of the complaint, the petitioners vide an application letter dated 02.08.2021, prayed for cancellation of the hearing which was fixed on 03.08.2021 but the ADC-cum-Executive Magistrate, Lower Siang District issued an Order No. LKB/JUDK/42-09/2018/156 dated 03.08.2021, whereby, the learned ADC decided to proceed with the case and fixed the date for hearing. The ADC had repeatedly called for hearing of the case by issuing several notices and in response to the ADC's orders, the petitioners made several requests through their letters, expressing their disagreement with such hearing, inasmuch as, the matter had already been decided by the competent authority and also, it was apprised that Shri Sendo Taipodia was alien and never a party to the dispute.

7. The ADC vide Order No. LKB/JUD-K/42-09/2018/278 dated 15.09.2021 re-fixed the matter on 22.09.2021 and directed the petitioners, Shri Shri Senyum Taipodia and Shri Mapak Taipodia as well as the President and Secretary of MITA AO SOCIETY to appear before the DC Office, Likabali without fail. The petitioners have filed written objection dated 20.09.2021 before the DC, Likabali

against the said hearing fixed on 22.09.2021 but the ADC-cum-Executive Magistrate, Likabali in an illegal and arbitrary manner passed the impugned order vide No. LKB/JUD-K/42-09/2018 dated 22.09.2021 deciding that the land in dispute shall remain with the Bali Taipodia Community.

8. Aggrieved by the order dated 22.09.2021 the petition being CR No. 20(AP)/2021 has been preferred by the petitioners. It has to be borne in mind that vide this order dated 22.09.2021, a petition filed by Sendo Taipodia was decided.

9. The DTO in the office of the DC filed the affidavit-in-opposition on behalf of the respondent nos. 1 and 2 interalia denying the contentions raised by the petitioners. It is averred that the Keba hearing was conducted under the Provisions of AFR 1945 on 22.09.2021 and finally, the case relating to the dispute was disposed of under the provision of AFR 1945 and Arunachal Pradesh Civil Court Act, 2021 (Act of 2021 in short).

10. After the hearing, it was held as follows:-

“ORDER

Hearing regarding land dispute case over Ligone Quarry at Siji River was heard on 22nd Sept 2021.

Sri Senyum Taipodia & Sri Mapak Taipodia and others attended the hearing. Dr. Senpe Taipodia Secretary 'MITA AO Society' also reported to this Court and stated that the land in question is to be under the disposal of Bali Taipodia Community instead of individual. Whereas, the others party mainly (1) Sri Duge Taipodia, (2) Sri Karmi Taipodia did not attend the hearing. By submitting application on 20/09/2021 petitioners stated that the ADC cum Executive Magistrate cannot conduct hearing in accordance with the Arunachal Pradesh Civil Court Act 2021 as notified on date 12/04/2021. Whereas,

it appears that said case is a pending in the Court/Office of DC Lower Siang District (17/03/2021) under the provision Arunachal Pradesh Civil Court Act 2021, Chapter-111 Sl.no. 15. Subsection-4 the instant case can be heard.

Perused the above instant case and found that this land in question cannot be possessed by an individual rather it is a community land as per exhibit- 1(12/06/2017), 11(09/04/2019), 111(08/01/2021), and IV(12/03/2021-last sentence of the Keba Decision where it stated that Ligone Quarry will remain with Bali Taipodia Community).

As stated above the land in question will remain with the Bali Taipodia Community.

Accordingly, the land dispute case is disposed off under the provision of Assam Administrative Regulation 1945 and Arunachal Pradesh Civil Court Act 2021 Chapter-III, SL.no. 15, Subsection-4.”

11. It is contended that the DC was not partisan and did not act in transgression of jurisdiction. The petitioners Duge and Karmi are also cousins of Shri Mapak Taipodia and Shri Senyum Taipodia. Even as per Keba decision, the petitioners Duge Taipodia and Karmi Taipodia were authorised to be in possession of the disputed land for two years from 01.05.2021 to 01.05.2023 and 31.05.2023 to 31.05.2025, in addition to the lease agreement for Rs. 20,000/- relating to the quarry between Shri Senyum Taipodia, Shri Mapak Taipodia and village Welfare Committee (VWC) of Bali village, meaning thereby, that the Ligone quarry was to remain in the name of Bali village Taipodia as community land.

12. The answering respondents in connection to CRP No. 20(AP)/2021 conceded to the order and the District Land Revenue & Settlement Officer (DLRSO) issued order to Shri Kari Tao, HGB Bali village to look into the matter for amicable settlement under AFR 1945 and consequentially on 12.03.2021, the Keba decision was passed. Through the statement, it was also agreed that Rs.

20,000/- will be paid to Shri Senyum Taipodia, and Shri Mapak Taipodia. It is submitted that, it is not on the basis of complaint made by Shri Sendo Taipodia that notice was served on 29.07.2021 but was issued pursuant to a petition dated 20.07.2021 filed by Shri Mapak Taipodia and Shri Senyum Taipodia.

13. It is submitted that the order impugned by the petitioners are not illegal or arbitrarily passed and the ADC did not commit any manifest error, but the order was passed after a threadbare discussion with present members. Hearing was conducted as per the Act of 2021. The village authority passed the Keba decision on 12.03.2021 but only two members from the community namely Shri Duge Taipodia and Shri Karmi Taipodia preferred an appeal before the DC against the Keba decision. It is falsely alleged that Shri Senyum Taipodia and Shri Mapak Taipodia had disputed the Keba decision within six days or rather at the nick of time. The Keba decision has been disputed by the present petitioners and not by Shri Senyum Taipodia and Shri Mapak Taipodia. The respondents have prayed to dismiss the petition.

14. The respondent no. 3, who was impleaded later during the proceeding of the CRP 20 (AP)/2021 had preferred a civil revision petition which was numbered as CRP No. 42 (AP) of 2022. He was aggrieved by the order dated 26.02.2021 issued by the district Land Revenue and Settlement Officer, Likabali, whereby the Head Gaon Bura (HGB) of Bali village was directed to conduct the local Keba for settlement of dispute over the traditional fishing area at Ligone.

The petitioners of CRP 20(AP) of 2021, Shri Duge Taipodia and Shri Karmi Taipodia are arrayed as respondent nos. 1 and 2 in CRP 42(AP) of 2022 and the other two respondents are respondent no. 3, Shri Senyum Taipodia and respondent no. 4, Shri Mapak Taipodia. The petitioner/respondent no. 3, Shri Mijar Taipodia's case is that the Taipodias of Bali village are descendants of Ato Yorjo, who settled down in Ripo area in the year 1930 and later they migrated to Mugi area and lived there till the great earthquake of 1950. The entire community used the adjoining areas around Mugi including the Ligone Quarry area for hunting, fishing, jhum cultivation and after the great earthquake, they migrated to the present Bali village but they are continuing the fishing over the Ligone Quarry area.

15. It is averred by Mijar Taipodia, respondent no. 3 (petitioner of CRP 42 (AP) of 2022 that they are in occupation and possession of the Ligone Quarry Area for over 60(sixty) years. It is admitted by Mijar Taipodia, respondent no. 3/petitioner that during the construction of Bogibeel Bridge over Brahmaputra River in the year 2000, several disputes erupted between the parties at fray which resulted in filing of claims and counter claims over the ownership of Ligone Quarry area. Accordingly, the Circle Officer, Likabali after hearing the parties and examining the evidences passed the judgment and order No. LKB/MISC-23/02 dated 16.12.2002, whereby, the ownership of Ligone Quarry was decided in favour of the Taipodia clan.

16. It is averred that the affairs of the quarry have been taken care of by the Taipodia clan under the names of different committees but the ownership of the Ligone Stone Quarry always remained with the clan. Initially, the Ligone Quarry was looked after by a committee constituted from the Taipodia clans of 4(four) villages namely, Lika, Bali, Liru and Nirok and the committee was known as "LBNL Village Welfare Committee". When the order dated 16.12.2002 was passed, the LBNL Village Welfare Committee was under the leadership of Nei Taipodia. Later the Taipodia clan of Bali village constituted an independent committee to look after the affairs of the Ligone Stone Quarry and the committee was named as "Bali Taipodia Ligone Quarry Committe". Since then, this committee has been seasonally leasing the quarry only to the members of Taipodia clan of Bali village.

17. It is contended by the Mijar Taipodia, respondent no. 3/petitioner that till the year, 2021, there was no dispute over the area. But on 19.01.2021, the petitioners Shri Duge Taipodia and Karmi Taipodia filed a joint complaint before the Deputy Commissioner, Lower Siang District, Likabali, claiming that they have inherited the traditional fishing zone at Ligone on the bank of Siji River from their grandfather, Late Igo Taipodia with allegations that some individuals have been removing boulders from their land. A prayer was made before the Deputy Commissioner for holding a Keba at Bali village. This complaint dated 19.01.2021 was followed by another joint complaint dated 06.02.2021, which

was submitted before the Additional Deputy Commissioner, Likabali with the specific allegations against Senyum Taipodia and Mapak Taipodia, who are arrayed as respondent nos. 3 and 4 in CRP No. 42(AP) of 2022. It is germane to mention at this juncture that the community had leased out the quarry from May, 2022 to May, 2023 to the respondents, namely, Senyum Taipodia and Mapak Taipodia.

18. It is averred that when the complaints were lodged by Duge Taipodia and Karmi Taipodia, the father of Karmi Taipodia, Shri Gokar Taipodia was operating the quarry under the lease agreement dated 09.04.2019.

19. It is submitted on behalf of the petitioners that now the ADC cannot take up an appeal against the Keba decision after the enactment of the Civil Courts Act of 2021. The petitioners are highly prejudiced as they are the original legal heirs of the land in dispute and the Ligone quarry was handed over to the Taipodia clan.

20. It is submitted on behalf of the respondents that Shri Sendo Taipodia is not an alien or a 3rd party. He is the beneficiary of the order dated 22.09.2021 (DTO) vide No. LKB/JUD-K/42-09/2018/305 passed by the Addl. Deputy Commissioner-cum-Executive Magistrate, Lower Siang District, Likabali. It is submitted that the Taipodia community was in peaceful possession of the Ligone quarry.

21. It is contended that the Ligone quarry was under the possession of the Taipodia community for the last 60 years. In the year, 2000, when the construction of Bogibeel bridge commenced, there was requirement of boulders as construction material. The construction firm searched for material from nearby areas and the people started collecting the boulders from the rivers and streams of Likabali area. A dispute arose over the available quarries and several litigations arose relating to stone quarries. A complaint was lodged by Shri Kirdo Taipodia and Shri Jumkar Gibi of Lika village against Shri Ipo Gibi and others against illegal encroachment and collection of boulders from their stone quarry in Siji river area near Akashi Ganga in the Court of Judicial Magistrate Second Class, Likabali. Other counter complaints were also lodged by the villagers of Lika village, Bali village, Liru village, Nilok village and Ngopi village stating that the stone quarries belong to their community and no individual should have ownership over the stone quarries.

22. The Judgment and Order Vide No. LKB/MISC-23/02 was passed in favour of the villagers declaring that the stone quarries will be property of the community and no individual shall claim rights over the same. The Sub-Divisional Officer, Likabali directed that Shri Kirdo Taipodia and Jumkar Gibi will operate the quarries for one session i.e., from September 2003 to September, 2004 by paying an amount of Rs. 60,000/- (Rupees Sixty Thousand) only to the committee and from the next succeeding year the committee will look after the

affairs of the quarry area and no individual will claim rights over these areas. Accordingly, Late Karimi Taipodia, the then ZPM of the Bali area leased the quarry for two years from 2004 to 2006 as lessee and the committee as lessor. But suddenly, the family of Shri Duge Taipodia and Shri Karmi Taipodia staked their claim over the Ligone quarry as their ancestral property. Annexure-4 series of the Civil Revision Petition No. 42(AP) of 2022 are the lease agreements dated 09.04.2019 and 08.01.2021 which clearly depicts that the Ligone quarry owners and Shri Godu Taipodia have agreed for a lease of the stone quarry for one session from November, 2019 to May, 2020 for Rs. 50,000/-. Another agreement was made between the Ligone stone quarry owners and Shri Gokar Taipodia of the quarry over the Siji river area for the session between November, 2020 to May, 2021 for Rs. 50,000/- and the other agreement was between Ligone stone quarry owners Shri Senyum Taipodia and Shri Mapak Taipodia for two seasons from May, 2022 to 2023 for Rs. 1,00,000/-.

23. The petitioners Sri Duge and Karmi Taipodia however have not denied about the aforementioned lease relating to the stone quarry. The petitioners are aggrieved by the order of the ADC dated 22.09.2021. The petitioners Duge and Karmi have claimed that they are the original legal heirs of the fishing area at Ligone which also includes Ligone stone quarry area. The petitioners are not aggrieved by the order of Keba decision dated 12.03.2021 insofar as their right to operate free of cost for two years from 1st May, 2023 to 31st May, 2025 is

concerned, and in addition Rs. 20,000/- was to be paid to them.

24. Being aggrieved by the Keba decision, the petitioners Duge and Karmi filed an appeal dated 17.03.2021 and vide order dated 15.05.2021, the Executive Magistrate, Likabali, Lower Siang district set aside the Keba decision dated 12.03.2021 and after threadbare hearing, the findings are as follows:-

“ (i) Shri Senyum Taipodia and Shri Mapak Taipodia will run the Ligone quarry for a period of six months w.e.f from June 2021 to November 2021 on lease basis. However, they should obtain proper permission from the competent authority before starting the quarry. They should pay equal amount of lease deposit to Shri Duge Taipodia and Shri Karmi Taipodia each, as paid to other Taipodia heads of Family.

(ii) After the expiry of the lease period i.e November 2021, the Ligone Quarry be handed over to Shri Duge Taipodia, Shri Karmi Taipodia and their Family and they are declared as absolute owners of the Quarry. Thereafter, the VWC Bali and heads of Taipodia Families of Bali village shall have no say over Siji Ligone Quarry.”

25. The respondent No. 3/petitioner in CRP No. 42(AP)/2022 is aggrieved by the aforementioned order.

26. However, the petitioners Duge and Karmi received a notice dated 29.07.2021 by the DC of Lower Siang district and the hearing was fixed on

03.08.2021 relating to the same area on a complaint filed by Shri Sendo Taipodia and vide order dated 22.09.2021, the ADC-cum-Executive Magistrate, Likabali passed the impugned order holding that the disputed land cannot be possessed by an individual as it is a community land as per Exhibit-I (12.06.2017) II (09.04.2019), III (08.01.2021), IV (12.03.2021) and as per the last sentence of Keba decision wherein, it is stated that the Ligone quarry will remain with Bali Taipodia community. The Executive Magistrate-cum-ADC thereafter, endorsed the Keba decision that the land in question will remain with the Bali Taipodia community and thereafter, disposed of the appeal/review.

27. Both the petitioners and the respondents have submitted that the impugned order dated 15.05.2021 was passed by the Circle Officer-Cum-Executive Magistrate, Likabali de hors jurisdiction and is liable to be set aside. The Deputy Commissioner had no authority to delegate the Circle Officer –Cum-Executive Magistrate to decide the appeal against the Keba decision.

28. I have given my thoughtful consideration to the submissions at the Bar.

29. It is pertinent to mention at this juncture that the first proviso to Section 15(3) of the Civil Courts Act, 2021 reads:- *“Provided that any appeal on civil courts pending in the Courts of Deputy Commissioner shall be disposed of by the concerned Deputy Commissioner(s) under the provisions of the Assam Frontier (Administration of Justice) Regulation, 1945 as expeditiously as possible*

but not later than one year from the date of coming into force of this Act.”

30. In the instant case, the argument regarding the valuation of the land or the jurisdiction of the Court holds no water. The Act of 2021 came into force on 12.04.2021 and the ADC passed the impugned order on 15.05.2021, which clearly indicates that there was no travesty of justice or transgression of jurisdiction by the Circle Officer-Cum Executive Magistrate, when he disposed of the appeal within one year of the Act of 2021 coming into force. This court is hesitant to interfere with the concurrent decisions of the Keba as well as the learned Executive Magistrate. Both the Fora have scrutinized the evidence and have decided the case after recording evidence and on examination of the parties. Duge Taipodia and Karmi Taipodia willingly did not participate in the hearing fixed by the Executive Magistrate, Likabali, despite the fact that notices were issued to them to be present in the hearing. It is also held that no illegality is discernible in the order passed by the learned Executive Magistrate. The Ligone Stone quarry belongs to the Bali Taipodia community, and this is an admitted fact.

31. The respondent No. 3/petitioner of CRP No. 42(AP) of 2022 is aggrieved by the order No. LM/ASD-04/2019-20/24 dated 26.02.2021 and the petitioners Duge and Karmi are aggrieved by the order dated 22.09.2021 being order No. LKB/JUD-K/42-09/2018/305 passed by the Addl. Deputy Commissioner-cum-Executive Magistrate, Lower Siang District, Likabali. Vide order dated

26.02.2021, the HGB of Bali village was directed to hold the Keba to resolve the dispute relating to the traditional fishing area at Ligone area at Siji River. Thereafter the Keba decision dated 12.03.2021 was passed. Against the Keba decision dated 12.03.2021, the petitioners Duge and Karmi Taipodia preferred an appeal/review and the impugned order dated 15.05.2021 was passed by the appellate authority. The Keba decision dated 12.03.2021 was set aside and case was taken up *de novo*. Hearing and enquiry was conducted including all the parties and witnesses of the case. Relevant documents were also perused by the Executive Magistrate, Likabali. The parties at fray belong to the Taipodia clan. It is manifest that the Siji Ligone quarry belongs to the Taipodia community. It was held by the learned Magistrate that:-

- i. Sri Senyum Taipodia and Sri Mapak Taipodia will run the quarry for six months from June, 2021 to November, 2021 for lease after obtaining proper permission from the competent authority;
- ii. After expiry of the lease period, i.e. November, 2021 the Ligone quarry would be handed over to Duge Taipodia and Karmi Taipodia and their family who are the absolute owners of the family. Thereafter, VWC, Bali and head of Taipodia family of Bali village shall have no say over the Siji Ligone quarry.

32. The petitioners Duge and Karmi were however not aggrieved by the aforementioned order. The respondent No.3 /Mijar Taipodia was aggrieved by

the impugned order dated 15.05.2021. The petitioners Duge and Karmi were finally aggrieved by the impugned order dated 22.09.2021 passed by the ADC-cum-Executive Magistrate, Lower Siang District, Likabali as the order went against them. Vide order dated 22.09.2021 in connection with a petition filed by Sendo Taipodia, it was held that the last sentence of the Keba decision wherein it is stated that the Ligone stone quarry will remain with Bali Taipodia community will not be interfered with. It was ordered that the land in question will remain with the Bali Taipodia community and the land dispute case was disposed of under the provision of AR 1945 and the Civil Court Act of 2021.

33. In view of my foregoing discussions, it is held that no irregularities could be deciphered from the order dated 22.09.2021 as both the parties are of Taipodia community. The order was passed after hearing the parties in connection with an application filed by Sendo Taipodia before the Deputy Commissioner on 29.07.2021. The application was filed before the Deputy Commissioner in connection with the land dispute between Duge Taipodia and Karmi Taipodia vs Sendo Taipodia. The Deputy Commissioner fixed the next date for hearing on 03.08.2021. Several dates were fixed, but when Duge and Karmi failed to appear, the impugned order was passed. The land belongs to the Taipodia community and it was thus rightly ordered vide order dated 22.09.2021 that the land in question will remain with the Bali Taipodia community. In case of any dispute relating to the quarry, the Taipodia community can amicably

resolve the dispute. There also appears to be no justified ground to interfere with the order dated 22.09.2021 passed by the Additional Deputy Commissioner-cum-Executive Magistrate, Lower Siang District, Likabali as well as the order dated 26.02.2021 issued by the District Land Revenue and Settlement Officer, Likabali. It appears that an interference with the aforementioned orders will lead to multiplicity of litigations. The orders dated 15.05.2021 passed by the Circle Officer-cum-Executive Magistrate, Likabali and the Kebang decision dated 12.03.2021 does not warrant interference.

34. In the wake of the foregoing discussions, it is thereby held that both the petitions do not merit interference.

35. Both the petitions are devoid of merits and the petitions C.R. No. 20(AP)/2021 and 42(AP)/2022 are hereby dismissed.

36. No order as to costs.

JUDGE

Comparing Assistant