

GAHC040012902022



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

Case No. : WP(C) 332/2022

1: Bengia Sagung and 2 Ors.
S/o Shri Bengia Tangak

R/o Pari Village
PO/PS Koloriang
Kurung Kumey District
Arunachal Pradesh and presently residing at Lekha Tomru Village
Doimukh
PO and PS Doimukh
P/Pare District (AP).
Contact No. 9612032855 (m)

2: Lingdum Taging
S/o Lt. Lingdum Tasuk

R/o P Sector
Nirjuli
PO/PS Nirjuli
Papum Pare District
Arunachal Pradesh.
Contact No. 8413072797 (m)

3: Tai Abu
S/o Late Tai Bungbi

R/o Press Colony
Papu Nallah
PS Papu Hill
PO Naharlagun
Papum Pare District
(AP).
Contact No. 7628031388 (m)
VERSUS

1:THE STATE OF AP and 8 Ors.

Represented through the Chief Secretary Civil Secretariat
Itanagar
PO and PS Itanagar
Arunachal Pradesh.

2:The Commissioner

Public Work Department
Civil Secretariat
Itanagar
PO and PS Itanagar
Govt. of Arunachal Pradesh.

3:The Chief Engineer (CSQ)

Public Work Department
Itanagar
Govt. of Arunachal Pradesh.

4:The Superintendent of Engineer (CSQ)

O/o Chief Engineer (CSQ) PWD
Itanagar
Govt. of Arunachal Pradesh.

5:The Deputy Commissioner

Itanagar Capital Complex
Itanagar
Govt. of Arunachal Pradesh.

6:The Additional Deputy Commissioner

Itanagar Capital Complex
Itanagar
Govt. of Arunachal Pradesh.

7:Ha Tatu

S/o Late Ha Tama

R/o ESS Sector

Narba Colony
Itanagar
PO and PS Itanagar
Papum Pare District
Arunachal Pradesh.

8:The Superintendent of Police

Special Investigation Cell
(Vigilance)
Civil Secretariat

B
Itanagar
Arunachal Pradesh.

9: The Officer in Charge
Special Investigation Cell (Vigilance)
Itanagar
Arunachal Pradesh.

Advocate for the Petitioner : Nalo Pada
Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 30.03.2023

Heard Mr. J. Saroh, learned counsel for the petitioner.

Also heard Ms. K. Wangmo, learned Government Advocate representing respondents no. 1 to 6 and Mr. O. Pada, learned Public Prosecutor for the SIC representing respondents no. 8 & 9.

2. The grievance of the petitioner in the instant writ petition is the enlistment of M/s Kenge Construction Co., E-SS Sector, Narba Colony, PO/PS: Itanagar, District: Papumpare, Arunachal Pradesh, the proprietor of whom is the respondent no. 7, as Class-IAA Contractor vide Enlistment of Contractors Order dated 4th August, 2021, issued by the Chief Engineer (CSQ), vide no. CEAP(CSQ)/W-48/IAA/01/2021-22/209; and the Schedule Tribe Certificate dated 15th March, 2017, issued by the ADC, Itanagar, Capital Complex, vide no. DC/ICC/ST/2017/21868, certifying the respondent no. 7 to belong to Nyishi tribe, which is recognized as Schedule Tribe (ST) of Arunachal Pradesh

as well as the Permanent Residence Certificate (PRC) dated 9th November, 2017 issued in favour of respondent no. 7 by the ADC, Itanagar, Capital Complex, vide no. DC/ICC/PRC/2017/8031, certifying that the respondent no. 7 is a permanent resident of ESS Sector, PO/PS: Itanagar, Itanagar Circle, District: Papumpare, State of Arunachal Pradesh.

3. The contention of the petitioner is that the respondent no. 7 is not a Schedule Tribe of Arunachal Pradesh and the Schedule Tribe Certificate and the Permanent Residence Certificate, mentioned above, have been wrongly issued by the ADC, Itanagar, Capital Complex and subsequently, M/s Kenge Construction Co., of which proprietor is respondent no. 7 could not have been registered as Class-IAA Contractor by the impugned Enlistment of Contractors Order dated 4th August, 2021, issued by the Chief Engineer (CSQ), vide no. CEAP(CSQ)/W-48/IAA/01/2021-22/209.

4. Whether the petitioner belongs to Schedule Tribe of Arunachal Pradesh or not as well as whether the petitioner is a permanent resident of ESS Sector, PO/PS: Itanagar, Itanagar Circle, District: Papumpare, State of Arunachal Pradesh, is a matter which can be determined by the Deputy Commissioner of the District.

5. The petitioner in the instant case is not found to have submitted any representation for cancellation of the Scheduled Certificate as well as Permanent Residence Certificate of the respondent no. 7 to the concerned Deputy Commissioner.

6. In view of the above, this writ petition is disposed of with a liberty granted to the petitioner to submit a representation to the Deputy

Commissioner, Itanagar, Capital Complex, who had issued the Scheduled Tribe Certificate as well as Permanent Residence Certificate, in favour of the respondent no. 7 for cancellation, thereof.

7. The writ petition is disposed of, in terms above.

JUDGE

Comparing Assistant