

GAHC040011582022



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

Case No. : WP(C) 340/2022

1: Majik Clan and 2 Ors.
Represented by Shri Majik Tare,
Son of Late Majik Tali, Village Kuwa, PO and PS Tali, District Kra Daadi, Arunachal Pradesh.

2: Majik Takap
S/o Late Majik Tamar

Village Kuwa
PO/PS Tali
District Kra Daadi
Arunachal Pradesh.

3: Majik Talang
S/o Late Majik Taring
Village Kuwa
PO and PS Tali
District Kra Daadi
Arunachal Pradesh

VERSUS

1: The Additional Deputy Commissioner and 3 Ors.
PO and PS Tali, District Kra Daadi, Arunachal Pradesh.

2: Gichik Cheke
Son of Late Gichik Mariak

Village Rhome
PO and PS Tali
District Kra Daadi
Arunachal Pradesh.

3:Gichik Taza
S/o Late Gichik Taha

Village Rhome
PO and PS Tali
District Kra Daadi
Arunachal Pradesh.

4:Gichik Tachu
S/o Late Gichik Tachung

Village Rhome
PO and PS Tali
District Kra Daadi
Arunachal Pradesh

Advocate for the Petitioner : Biki Tapa

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE ROBIN PHUKAN
ORDER**

16.06.2023

Heard Mr. B. Tapa, learned counsel for the petitioners and Ms. P. Pangu, learned Junior Government Advocate, Arunachal Pradesh for the State respondents.

1. In this petition, under Article 226 read with section 227 of the Constitution of India, 3 petitioners have been praying for issuing direction in the nature of mandamus to the respondent No. 1, Additional Deputy Commissioner Tali, district Kra Daadi, Arunachal Pradesh to disposal of the representation dated 17.09.2022.

2. The background facts leading to institute this writ petition are briefly stated as under :-

“The private respondents illegally started cultivating large Cardamom plantation in a land, which is belonged to the petitioners, situated at Rirak and Jhome area under Tali circle. Therefore, the petitioners filed a written complaint on 09.12.2019, before the respondent No. 1, with a prayer to settle the land dispute by way of local mel. Thereafter, taking cognizance of the same and a Mel Body was constituted, conspiring of 5 members vide order No. TL/JUD-01/2019, dated 12.12.2019, to conduct the mel proceedings. After completion of the mel, the Mel Body had passed judgment/final report in favour of the petitioners and two final reports were submitted on 30.01.2022 and 05.07.2022, before the respondent No. 1. But, despite of submission of two final reports/judgments, the respondent No. 1 did not dispose of the matter and is still pending. Therefore, the petitioners filed one representation on 10.07.2021, but that representation was left unattended and again, on 11.07.2022, the petitioners filed another representation, which was acknowledged by the respondent No. 1 and issued an Executive No. TL/JUD-01/2022/01, dated 15.07.2022, under section 133 of the Cr.P.C. by summoning all the members of the Mel Body. Then on 16.08.2022, all the members of constituted Mel Body, including the members of both the parties were examined at the office of the respondent No. 1, but, the proceeding was still not finalized. Therefore, the petitioners filed another representation on 17.09.2022, which is still pending before the respondent No. 1, for final disposal of mel proceedings in mel order No. TL/JUD-01/2019, dated 12.12.2019.”

3. Being aggrieved the petitioners approached this court by filing the present petition.

4. Mr. B. Tapa, learned counsel for the petitioners submits that the land dispute between them and private respondents has been already settled by passing a judgment/final report in his favour, by the Mel Body constituted by the respondent No. 1 and two final reports were submitted on 30.01.2022 and 05.07.2022, to the respondent

No. 1. But, despite submission of 2 final reports, the respondent No. 1 did not dispose of the matter and therefore, the petitioners filed 3 representations dated 10.07.2021, 11.07.2022 and 17.09.2022. Mr. Tapa further submits that his limited prayer in this writ petition is to issue direction to the respondent No. 1 to dispose of the aforesaid representations.

5. Ms. P. Pangu, learned Junior Government Advocate, Arunachal Pradesh submits that the State has no objection if such a direction is issued to the respondent No. 1 to dispose of the representations dated 10.07.2021, 11.07.2022 and 17.09.2022.

6. In view of the submission of learned counsel for both the parties and as agreed upon by them, this writ petition stands disposed of by directing the respondent No. 1 to dispose of the aforesaid 3 representations dated 10.07.2021, 11.07.2022 and 17.09.2022, within a period of 15 [fifteen] days from the date of receipt of the certified copy of this order.

7. The petitioners shall obtain one certified copy of this order and produce the same before the respondent No. 1, within 4 [four] days from today.

8. In terms of above, this writ petition stands disposed of.

9. The parties have to bear their own costs.

JUDGE

Comparing Assistant