

GAHC040014132023



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

Case No. : WP(C)/501/2023

Jumdo Karbak

S/o Shri Lijum Karbak, presently under transfer to the office of the Director, Land Management, Itanagar, PO/PS Itanagar, Papum Pare District, Arunachal Pradesh.
Mob. 8413074336

VERSUS

The State of AP and 3 Others

represented by the Secretary, land Management, Govt. of Arunachal Pradesh, P.O/P.S Itanagar, Papum Pare District, Arunachal Pradesh. 2:The Secretary

Age: 0

Occupation :

3:The Director

Age: 0

Occupation :

4:The Deputy Commissioner

Age: 0

Occupation

Advocate for the Petitioner : Dicky Panging

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE AJIT BORTHAKUR**

ORDER

Date : 13-10-2023

Heard Mr. D. Panging, learned counsel for the petitioner.

Also heard Mr. D. Kamduk, learned Standing counsel for the Land Management Department and Mr. N. Lowang, learned Sr. Govt. Advocate representing the State respondents.

The brief facts of the case is that the petitioner who is serving as Mandal in the Directorate of Land Management was transferred from the office of the Deputy Commissioner, Tawang and posted in the office of the Director, Land Management at Itanagar vide order dated 28.08.2023. However, despite submission of various representations, though no order has been passed, the Deputy Commissioner, Tawang verbally refused to release the petitioner from Tawang till some reliever joins at Tawang in place of the petitioner. Accordingly, being aggrieved by the action of the Deputy Commissioner, Tawang in not releasing the petitioner despite the transfer order, dated 28.08.2023, the petitioner approached this Court by filing a writ petition being WP (C) 470 (AP) 2023 seeking a direction to the Deputy Commissioner, Tawang District to release the petitioner in terms of the transfer order, dated 28.08.2023. Thereafter, on 09.10.2023, this Hon'ble Court was pleased to direct that the Deputy Commissioner,

Tawang District to release the petitioner from his present place of posting at Tawang so as to enable the petitioner to join at his new place of posting within a period of 7 days from the date of receipt of a certified copy of the order, however, on the same day, the Secretary, Land Management, Government of Arunachal Pradesh issued an order, dated 09.10.2023 in partial modification of the earlier order, dated 28.08.2023, wherein, the earlier transfer order, dated 28.08.2023, by which, the petitioner was posted in the office of the Director, Land Management at Itanagar was cancelled. The petitioner states that the order, dated 09.10.2023 has been passed without assigning any reasons as to why the earlier transfer order, dated 28.08.2023 was modified. Hence, the petitioner has approached this Court by filing this writ petition.

At the very outset, Mr. Kamduk, the learned Standing counsel for the Land Management has apprised this Court that the file has already been initiated for revoking the order of cancellation, dated 09.10.2023 in respect of the petitioner and the petitioner has already been released by the Deputy Commissioner, Tawang to enable the petitioner to join at the Directorate of Land Management, Itanagar in terms of the earlier order, dated 28.08.2023.

Mr. Lowang, learned Sr. Govt. Advocate has produced a letter, dated 12.10.2023, whereby, the petitioner has been released enabling him to join at his new place of posting at Directorate of Land Management.

Since Mr. Kamduk, the learned Standing counsel has apprised this Court that the order, dated 09.10.2023 is going to be revoked in respect of the petitioner and the petitioner has been released from the establishment of Deputy Commissioner, Tawang District enabling him to join at his new place of posting at Directorate, Land Management, Govt. of Arunachal Pradesh, Itanagar, this writ petition being infructuous, the same stands closed.

JUDGE

Comparing Assistant