

GAHC040014292022



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

Case No. : IA(C) 233/2022

1:Rido Charitable Trust and 2 Ors.

Represented by its Patron

Sri Rido Talik, S/o Late Rido Tasang, Resident of Palin, PO and PS Palin, Dist. Kra Daadi, Arunachal Pradesh, Pin 791118.

2: Takam Youth Welfare Society

Represented by its President Sri Takam Tame

Resident of Palin

PO and PS Palin

District Kra Dadi

Arunachal Pradesh

Pin 791118

3: Jamin Kra Dadi District Restoration Committee.

Represented by its General Secretary

Shri Tarh Johnny

Resident of Sayata

PO and PS Palin

District Kra Daadi

Arunachal Pradesh

PIN 79111

VERSUS

1:THE STATE OF AP and 6 Ors.

Represented by the Chief Secretary, Govt. of Arunachal Pradesh, Civil Secretariat, Itanagar, Arunachal Pradesh.

2:The Commissioner

Law Legislative and Justice Department

Govt. of Arunachal Pradesh

Civil Secretariat

Itanagar
Arunachal Pradesh.

3:The Commissioner
District Administration
Govt. of Arunachal Pradesh
Civil Secretariat
Itanagar
Arunachal Pradesh.

4:The Deputy Commissioner
Kra Dadi District
PO and PS Palin
Arunachal Pradesh. Pin 791111

5:The Commissioner and Secretary
to the Govt. of Arunachal Pradesh
Public Works Department
Itanagar
Arunachal Pradesh.

6:The Chief Engineer
Public Works Department
Itanagar
Arunachal Pradesh.

7:The Executive Engineer
Palin Division
Public Works Department
Kra Daadi District
Arunachal Pradesh

Advocate for the Petitioner : Abhai Kumar Singh

Advocate for the Respondent : GA (AP)

Linked Case : PIL 10/2022

1:Rido Charitable Trust and 2 Ors.
Represented by its Patron

Sri Rido Talik

S/o Late Rido Tasang

Resident of Palin
PO and PS Palin
Dist. Kra Daadi
Arunachal Pradesh
Pin 791118

2: Takam Youth Welfare Society
Represented by its President

Sri Takam Tame
Palin (Age 30 years)
P.O and P.S Palin
District Kra Daadi
Arunachal Pradesh
PIN 791118

3: jJamin Kra Dadi District Restoration Committee
Represented by its General Secretary

Shri Tarh Johny (Age 35 years)
Resident of Sayata
PO and PS Palin
District Kra Dadi
Arunachal Pradesh
PIN 791118
VERSUS

1:THE STATE OF AP and 6 Ors.
Represented by the Chief Secretary

Govt. of Arunachal Pradesh
Civil Secretariat
Itanagar
Arunachal Pradesh.

2:The Commissioner
Law Legislative and Justice Department

Govt. of Arunachal Pradesh
Civil Secretariat
Itanagar
Arunachal Pradesh
Pin 791111

3:The Commissioner
District Administration

Govt. of Arunachal Pradesh
Civil Secretariat
Itanagar
Arunachal Pradesh
Pin 791111

4:The Deputy Commissioner
Kra Daadi District
PO and PS Palin
Arunachal Pradesh
PIN 791118

5:The Commissioner and Secretary
to the Govt. of Arunachal Pradesh
Public Works Department
Itanagar
Arunachal Pradesh.

6:The Chief Engineer
Public Works Department
Itanagar
Arunachal Pradesh.

7:The Executive Engineer
Palin Division
Public Works Department
Kra Daadi District
Arunachal Pradesh.

Advocate for the Petitioner : Dayadipan Das
Advocate for the Respondent : GA (AP)

BEFORE
HONBLE MR. JUSTICE NANI TAGIA
HONBLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 19.01.2023
(Nani Tagia, J)

Heard Mr. D. Das, learned senior counsel, for the applicants. Also heard Mr. Subu Tapin, learned Senior Government Advocate, appearing on behalf of the Opposite Parties.

By means of this interlocutory application, the applicants, altogether 3 in nos., namely, Rido Charitable Trust, represented by its Patron, Shri Rido Talik, S/o, Late Rido Tasang, Resident of Palin, PO/PS – Palin, District Kra-Daadi, Arunachal Pradesh, PIN 791118; Takam Youth Welfare Society, represented by its President Shri Takam Tame, Resident of Palin, PO/PS – Palin, District Kra-Daadi, Arunachal Pradesh, PIN 791118; and Jamin Kra Dadi District Restoration Committee, represented by its General Secretary, Shri Tarh Johny, resident of Sayata, PO/PS - Palin, District Kra-Daadi, Arunachal Pradesh, PIN 791118; seeks for impleadent of Commissioner & Secretary to the Government of Arunachal Pradesh, Public Works Department, Itanagar, Arunachal Pradesh; Chief Engineer, Public Works Department, Itanagar, Arunachal Pradesh; and Executive Engineer, Palin Division, Public Works Department, Kra-Daadi District, Arunachal Pradesh, as Respondents No. 5, 6 & 7, in the connected Public Interest Litigation(PIL) being PIL 10(AP)2022, contending that pursuant to a decision of the Government to shift the Headquarter of Kra-Daadi District in the State of

Arunachal Pradesh from Jamin to Palin; authorities of the Public Works Department, Government of Arunachal Pradesh, have issued a Notice Inviting Tender(NIT) inviting applications for construction of District Secretariat at Palin in Kra-Daadi District, and accordingly, the Public Works Department, Government of Arunachal Pradesh, is a necessary party.

The prayer for impleadment of the Commissioner & Secretary to the Government of Arunachal Pradesh, Public Works Department, Itanagar, Arunachal Pradesh; Chief Engineer, Public Works Department, Itanagar, Arunachal Pradesh; and Executive Engineer, Palin Division, Public Works Department, Kra-Daadi District, Arunachal Pradesh, as Respondents, in the connected Public Interest Litigation(PIL) being PIL 10(AP)2022, has not been opposed by Mr. Tapin, learned Senior Government Advocate.

Having heard the learned counsels appearing for the parties and on perusal of the materials on record, we are of the considered view that the Public Works Department, Government of Arunachal Pradesh, is a necessary party in PIL 10(AP)2022.

Since the applicants in IA(c)87(AP)2022 have already been impleaded as Respondents No. 5 to 12 in PIL 10(AP)2022, by an order passed today in the aforesaid interlocutory application; we allow this interlocutory application for impleadment by providing that the Commissioner & Secretary to the Government of Arunachal Pradesh, Public Works Department, Itanagar, Arunachal Pradesh; Chief Engineer, Public Works Department, Itanagar,

Arunachal Pradesh; and Executive Engineer, Palin Division, Public Works Department, Kra-Daadi District, Arunachal Pradesh; shall be impleaded as Respondents No. 13, 14 & 15, respectively in PIL 10(AP)2022.

Accordingly, Registry shall make the necessary correction in the Cause Title of PIL 10(AP)2022 by impleading the names of the Commissioner & Secretary to the Government of Arunachal Pradesh, Public Works Department, Itanagar, Arunachal Pradesh; Chief Engineer, Public Works Department, Itanagar, Arunachal Pradesh; and Executive Engineer, Palin Division, Public Works Department, Kra-Daadi District, Arunachal Pradesh; as Respondents No. 13, 14 & 15, respectively in PIL 10(AP)2022.

With the above directions, the interlocutory application stands disposed of.

JUDGE

JUDGE

Comparing Assistant