

GAHC040015082022



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

Case No. : WA/40/2022

THE STATE OF AP and Anr.

Represented through the Chief Secretary, Govt. of Arunachal Pradesh, Civil
Secretariat, AP. Pin 791111, Itanagar. 2: The Secretary

Age:

Occupation :

Land Management

Govt. of AP. Itanagar Civil Secretariat

A

VERSUS

Topenso Tega and 123 Ors.

S/o Mishe Tega,

Resident of Village Abohagam, PO/PS Anjaw, Anjaw District, Arunachal Pradesh.

2:Raptenso Achonyu

Age: 0

Occupation :

S/o Lt.K. Achonyu

resident of Village

Aphomna

Chaglagam

Dalai Valley

Anjaw District

Arunachal Pradesh.

3:Muenso Achonyu

Age: 0

Occupation :

S/o Yatong Tega

resident of village Aphomna

PO/PS- Anjaw district

Arunachal Pradesh.

4:Jamtem Achanyu
Age: 0
Occupation :
S/o
Khayama Taflap
resident of village Aphomna
PO/PS-Anjaw District
Arunachal Pradesh.

5:Nibren Achanyu
Age: 0
Occupation :
S/o- P.Achanyu
resident of village Aphomna
PO/PS-Anjaw District
Arunachal Pradesh.

6:Katam Flakam
Age: 0
Occupation :
W/o
TopensoTega
resident of village Taflagam
PO/PS-Anjaw District
Arunachal Pradesh.

7:Chokhi Taflap
Age: 0
Occupation :
S/o T.Taflap
resident of village Taflagam
Dalai
PO/PS-Anjaw
Arunachal Pradesh.

8:Kulelam Apho
Age: 0
Occupation :
S/o A. Apho
resident of village-Aphemla
Dalai
PO/PS Anjaw district
A.P.

9:Hacholing Apho
Age: 0
Occupation :
S/o S.Apho

resident of village Aphomla
Dalai
PO/PS-Anjaw District
Arunachal Pradesh.

10:Jaluso Achunyu
Age: 0
Occupation :
S/o P.Achunyu
resident of village-Aphomla
Dalai
PO/PS-Anjaw disitric
Arunacahal Pradesh.

11:Johilee Achunyu
Age: 0
Occupation :
S/o M.Achunyu
resident of village-Aphomla
Dalai PO/PS- Anjaw
District
Arunachal Pradesh.

12:Petin Achunyu
Age: 0
Occupation :
S/o T.Achunyu
resident of village- Aphomla
Dalai
PO/PS-Anjaw District
Arunachal Pradesh.

13:Buglelum Tega
Age: 0
Occupation :
S/o Lt. D.Teja
resident of village-Chaglongam
Dalai PO/PS-Anjaw District
Arunachal Pradesh.

14:Melan Bellai
Age: 0
Occupation :
S/o-Late.Titusa Bellai
resident of Village Taflagam
Dalai
PO/PS Anjaw Arunachal Pradesh.

15:Titusa Bellai

Age: 0

Occupation :

S/o- Lt. T.

Bellai

resident of village

Taflagam

Dalai PO/PS-Anjaw District

Arunachal Pradesh.

16:Tiwailiary Bellai (Taflap)

Age: 0

Occupation :

S/o-Domo Taflap

resident of village-Taflagam

Dalai PO/PS-Anjaw district

Arunachal Pradesh.

17:Mamta Achuyu

Age: 0

Occupation :

S/o Shri A.Achumyu

resident of village- Aphomla

Dalai PO/PS-Anjaw District

Arunachal Pradesh.

18:Humanglum Achunyu

Age: 0

Occupation :

S/o A.Achunyu

resident of village-Aphomla

Dalai PO/PS-AnjawDistrict

Arunachal Pradesh.

19:Aahika Achonyu

Age: 0

Occupation :

S/o Shri

P. Achonyu

resident of village- Aphomla

Dalai PO/PS-Anjaw district

Arunachal Pradesh.

20:Baiso Apho

Age: 0

Occupation :

S/o Shri C.Apho

resident of village-Aphomla

Dalai PO/PS-Anjaw District
Arunachal Pradesh.

21:Badyalom Apho
Age: 0
Occupation :

S/o C.Apho
resident of village-Aphomla
Dalai PO/PS-Anjaw district
Arunachal Pradesh.

22:Yeteng Flakam
Age: 0
Occupation :
S/o Shri
resident of village-Tarampa
Dalai PO/PS Anjaw District
Arunachal Pradesh.

23:Sohra Apho
Age: 0
Occupation :
S/o Shri M.Apho
resident of village- Aphomla
Dalai PO/PS-Anjaw district
Arunachal Pradesh.

24:Jageso Apho
Age: 0
Occupation :

S/o Shri C.Apho
resident of village- Aphomla
Dalai PO/PS-Anjaw district
Arunachal Pradesh.

25:Manso
Age: 0
Occupation :
S/o Shri. K. Satam
resident of village-Chaka
Dalai PO/PS-Anjaw district
Arunachal Pradesh.

26:Niram Tega
Age: 0
Occupation :

S/o Shri M.Tega
resident of village-Tegmla
Dalai PO/PS-Anjaw district
Arunachal Pradesh.

27:Bomden Achonyu
Age: 0
Occupation :
S/o Shri B.Achonyu
resident of village-Aphunla
Dalai PO/PS-Anjaw district
Arunachal Pradesh.

28:Ganju Tega
Age: 0
Occupation :
S/o Shri. Jingling Tega
resident of village-Tegamna
Dalai
PO/PS-Anjaw district
Arunachal Pradesh.

29:Wechali Ritti
Age: 0
Occupation :
/o Shri. S.Ritti
resident of village-Tegamna
Dalai PO/PS-Anjaw district
Arunachal Pradesh.

30:Alianso Ritti
Age: 0
Occupation :
S/o Shri. S.Ritti
resident of village- Rittiliay
Dalai PO/PS-Anjaw district
Arunachal Pradesh.

31:Samai Flakam
Age: 0
Occupation :
S/o Shri B.Flakam
resident of village- Tarampa
Dalai PO/PS-Anjaw district
Arunachal Pradesh.

32:Surin Flakam
Age: 0

Occupation :
S/o Shri Y.Flakam
resident of village-Tarampa
Dalai PO/PS- Anjaw district
Arunachal Pradesh.

33:Chelelam Flakam
Age: 0
Occupation :
S/o Shri. S. Flakam
resident of village-Taflagam
Dalai PO/PS- Anjaw district
Arunachal Pradesh.

34:Babrum Tega
Age: 0
Occupation :
S/o Shri. D.Tega
aged about 32 years resident of village-
Dalai PO/PS-Anjaw district
Arunachal Pradesh.

35:Disamlu Tayang
Age: 0
Occupation :
W/o Shri. Topinso Tega
resident of village-Abohagum
Dalai PO/PS-Anjaw District
Arunachal Pradesh.

36:Mitinum Masap
Age: 0
Occupation :
S/o Shri. S. Masap
aged about 37 years
resident of village- Khoraliang
Dalai PO/PS- Anjaw
district
Arunachal Pradesh.

37:Jouinlu Tega
Age: 0
Occupation :
S/o Shri. M.Tega
resident of village- Abohagam
Dalai PO/PS-Anjaw district
Arunachal Pradesh.

38:Sowailum Samba

Age: 0

Occupation :

S/o Shri. A. Samba

resident of village-Ziro

Dalai PO/PS-Anjaw

district

Arunachal Pradesh.

39:Ranaso Flakam

Age: 0

Occupation :

S/o Shri. K.Flakam

resident of village-Taflagam

Dalai PO/PS-Anjaw district

Arunachal Pradesh.

40:Likhasai Tega

Age: 0

Occupation :

w/o Shri. Jinraso Tega

years

resident of village-Abohagam

Dalai PO/PS-Anjaw district

Arunachal Pradesh

41:Hulensai Achenyu

Age: 0

Occupation :

S/O K. Achonyu

Vill- Aphumna

Anjaw district

Arunachal Pradesh.

42:Rulilu Apho

Age: 0

Occupation :

D/o B. Apho

Vill-Aphumna

PO Khupa PS Hayuliang

Anjaw district

Arunachal Pradesh.

43:Pikelum Hagare

Age: 0

Occupation :

S/o Late B. Hagabre

Vill- Chakka
PO-Hayuliang
PSKhupa
Anjaw district
Arunachal Pradesh.

44:Sita Hagabre
Age: 0
Occupation :
D/o B.Hagabre
Vill-Aphumna PO-Khupa PS Hayuliang
Anjaw district
Arunachal Pradesh.

45:Sujulu Satam
Age: 0
Occupation :
W/O M.Satam
Vill- Chakka

PO-Hayuliang
PS Khupa

Anjaw district
Arunachal Pradesh.

46:Sokhowe Krong
Age: 0
Occupation :
S/o Late B. Krong
Vill-Hayulaing
PO/PS Hayuliang- Anjaw district
Arunachal Pradesh.

47:Peresai Hagabre
Age: 0
Occupation :
S/o M. Hagabre
Vill- Aphumna
PO Khupa PS Hayuliang

48:Renalu Hagabre
Age: 0
Occupation :
D/o M. Hagabre
Vill- Aphumna
PO Khupa PS Hayuliang

49:Pakusai Apho

Age: 0

Occupation :

M/o B. Apho

Vill- Aphumna

PO Khupa PS Hayuliang

Anjaw District

Arunachal Pradesh.

50:Achojo Apho

Age: 0

Occupation :

H/o K.Apho

Vill Aphumna

Hayuliang

Anjaw

district

Arunachal Pradesh.

51:Wemamso Kora

Age: 0

Occupation :

S/o Tatum Kora

Vill-Yealing PS -Sunpura

PO-Lohit

District

A.P

52:Sunsary Krong

Age: 0

Occupation :

s/o B. Krong

Vill-Hayulaing

PO/PS Hayuliang

Anjaw district

Arunachal Pradesh

53:Galong Mai

Age: 0

Occupation :

S/o S.Mai

Vill- Abohagam

PO- Khupa PS-Hayuliang

Anjaw District

Arunachal Pradesh.

54:Turen Apho

Age: 0

Occupation :
S/o S. Apho
Vill Aphumna
PO-Khupa
PS- Hayuliang
Anjaw district
Arunachal Pradesh.

55:Romalu Kora
Age: 0
Occupation :
D/o D.Kora
Vill-Taflagam
PO-Khupa PS- Hayuliang
Anjaw
District
Arunachal Pradesh.

56:Tenalum Taflap
Age: 0
Occupation :
S/o B. Taflap
Vill-Taflagam
PO- Khupa PS- Hayuliang
Anjaw
District
Arunachal Pradesh.

57:Egeanlum Apho
Age: 0
Occupation :
S/o Lt. G. Apho
Vill-
Aphumna
PO-Khupa PS- Hayuliang
Anjaw district

Arunachal Pradesh.

58:Rekhu Apho
Age: 0
Occupation :
W/o B.Apho
Vill-Aphumna
PO-Khupa
PS-Hayuliang
Anjaw district
Arunachal Pradesh.

59:Tutum Kora

Age: 0

Occupation :

S/o W.Kora

Vill-Yealing

PS-Sunpura

PO-Lohit Anjaw district

Arunachal Pradesh.

60:Chosamso Hagabre

Age: 0

Occupation :

S/o S. Hagabre

Vill- Aphumna

PO-Khupa

PS-Hayuliang

Anjaw District

Arunachal Pradesh.

61:Huiman Achonyu

Age: 0

Occupation :

S/o H. Achonyu

Vill Aphumna

PO-Khupa

PS- Hayuliang Anjaw district

Arunachal Pradesh.

62:Uju Mai

Age: 0

Occupation :

S/o T. Hagabre

Vill-Taflagam

PO-Khupa PS- Hayuliang

Anjaw district

Arunachal Pradesh.

63:Ratenso Achonyu

Age: 0

Occupation :

S/o Lt. N. Achonyu

Vill- Aphumna

PO-Khupa

PS-Hayuliang

Anjaw district

Arunachal Pradesh.

64:Dujilum Achonyu

Age: 0

Occupation :

S/o Lt N. Achonyu

Vill-Aphumna

PO-Khupa

PS-

Hayuliang

Anjaw district

Arunachal Pradesh.

65:Nifeng Achonyu

Age: 0

Occupation :

S/o Lt. N.Achonyu

Vill- Aphumna

PO-Khupa

PS-Hayuliang

Anjaw district

Arunachal Pradesh.

66:Tasiso Achonyu

Age: 0

Occupation :

S/o Lt. N. Achonyu

Vill-Aphumna

PO-Khupa

PS-Hayuliang

Anjaw district

Arunachal Pradesh.

67:Diaynso Flakam

Age: 0

Occupation :

S/o Lt. M. Flakam

Village-Tarampha PO-Khupa

PS-Hayuliang

Anjaw district

Arunachal Pradesh.

68:Anelu Achonyu

Age: 0

Occupation :

D/o N. Achonyu

Vill-
Aphumna
PO-Khupa
PS-Hayuliang
Anjaw district
Arunachal Pradesh.

69:Kamholum Achonyu
Age: 0
Occupation :
D/o N. Achonyu
Vill- Aphumna
PO-Khupa
PS-Hayuliang
Anjaw district
Arunachal Pradesh.

70:Sodem Achonyu
Age: 0
Occupation :
S/o K. Achonyu
Vill-Aphumna
PO-Khupa
PS- Hayuliang
Anjaw district
Arunachal Pradesh.

71:Sumita Achonyu
Age: 0
Occupation :
D/o N. Achonyu
Vill- Aphumna
PO-Khupa
PS-Hayuliang
Anjaw district

Arunachal Pradesh.

72:Biminsai Achonyu
Age: 0
Occupation :
D/o N. Achonyu
Vill- Aphumna
PO-Khupa
PS-Hayuliang
Anjaw district

ArunachalPradesh.

73:Soruso Achonyu

Age: 0

Occupation :

S/o Lt. N. Achonyu

Vill-

Aphumna

PO-Khupa

PS-Hayuliang

Anjaw district

Arunachal Pradesh.

74:Priyanlu Achonyu

Age: 0

Occupation :

D/o R. Achonyu

Vill- Aphumna

PO-Khupa

PS-Hayuliang

Anjaw district

Arunachal Pradesh.

75:Akhil Achonyu

Age: 0

Occupation :

S/o R Achonyu

Vill-Aphumna

PO-Khupa

PS-Hayuliang

Anjaw district

Arunachal Pradesh.

76:Jitenso Flakam

Age: 0

Occupation :

S/o Y. Flakam

Vill-Tarampa

PS-Khupa

PS-Hayuliang Anjaw district

Arunachal Pradesh.

77:Mopenlum Taflap

Age: 0

Occupation :

S/o Late G. Taflap

Vill-Taflagam

PO-Khupa PS- Hayuliang

Anjaw
district
Arunachal Pradesh

78:Damasai Flakam
Age: 0
Occupation :
W/o Y. Flakam
Vill- Tarampa
PS Khupa
PS-Hayuliang
Anjaw district

Arunachal Pradesh.

79:Bojen Flakam
Age: 0
Occupation :
D/o S. Flakam
Vill-Tarampa
PS-Khupa
PS-Hayuliang

Anjaw district
Arunachal Pradesh.

80:Kamkholum Flakam
Age: 0
Occupation :
D/o R. Flakam
Vill-Taflagam
PO-Khupa
PS-Hayuliang
Anjaw district
Arunachal Pradesh.

81:Seselum Bellai
Age: 0
Occupation :
S/o S. Bellai
Vill-Taflagam
Anjaw district
Arunachal Pradesh.

82:Pinya Apho
Age: 0
Occupation :
D/o K.Apho

Vill-Aphumna
PO-Khupa
PS-Hayuliang
Anjaw district
Arunachal Pradesh.

83:Najamlu Bellai
Age: 0
Occupation :
D/o S. Bellai
Vill-Taflagam
PO-Khupa
PS-Hayuliang

Anjaw district
Arunachal Pradesh.

84:Nigamso Bellai
Age: 0
Occupation :
S/o S.Bellai
Vill-Taflagam
PO-Khupa
PS-Hayuliang
Anjaw district
Arunachal Pradesh.

85:Pensiliang Achonyu
Age: 0
Occupation :
W/o D. Achonyu
Vill- Aphumna
PO-Khupa
PS-Hayuliang
Anjaw district

Arunachal.

86:Bapang Mai
Age: 0
Occupation :
S/o T. Mai
Vill-Taflagam
PO-Khupa
PS- Hayuliang
Anjaw district
Arunachal Pradesh.

87:Tabaso Belial

Age: 0

Occupation :

S/o Premso Bellai

Vill-Taflagam

PO-Khupa

PS-Hayuliang

88:Khulisai Bellai

Age: 0

Occupation :

D/o T.Bellai

Vill-Taflagam

PO-Khupa

PS-Hayuliang

Anjaw district

Arunachal Pradesh.

89:Nmasthamai Bellai

Age: 0

Occupation :

S/o M.Bellai

Vill-Taflagam

PO-Khupa

PS-Hayuliang

Anjaw district

Arunachal Pradesh.

90:Sipi Flakam

Age: 0

Occupation :

D/o M. Flakam Vill-Taflagam

PO-Khupa

PS-Hayuliang

Anjaw district

Arunachal Pradesh.

91:Premlu Achonyu

Age: 0

Occupation :

D/o R Achonyu

Vill- Aphumna

PO-Khupa

PS-Hayuliang

Anjaw district

Arunachal.

92:Biramso Pul

Age: 0

Occupation :

S/o B.Pul

Vill- Hayulaing PO/PS-Hayuliang

Anjaw district

Arunachal Pradesh.

93:Ramio Pul

Age: 0

Occupation :

S/o B.Pul

Vill- Hayulaing PO/PS- Hayuliang

Anjaw district

Arunachal Pradesh

94:Sujenlu Flakam

Age: 0

Occupation :

W/o Y.Flakam

Vill- Tarampa

PS-Khupa

PS-Hayuliang

Anjaw district.

95:Taklolum Bellai

Age: 0

Occupation :

S/o Lt. B Bellai

Vill-Gomin

PO- Hayuliang

PS-Khupa

Anjaw district

Arunachal Pradesh.

96:Rohimso Ritti

Age: 0

Occupation :

S/o G.Ritta

Vill- Rittling

PO-Hayuliang

PS- Khupa

Anjaw district

Arunachal Pradesh.

97:Joshi Ritti

Age: 0
Occupation :
S/o G.Ritti
Vill- Rittling
PO-Hayuliang
PS- Khupa
Anjaw
district
Arunachal Pradesh.

98:Susenlu Ritti
Age: 0
Occupation :
D/o G.Ritti
Vill- Rittling
PO-Hayuliang
PS- Khupa
Anjaw district
Arunachal Pradesh.

99:Thaklum Ritti
Age: 0
Occupation :
S/o G.Ritti
Vill- Rittling
PO-Hayuliang
PS- Khupa
Anjaw district
Arunachal Pradesh.

100:Dimsailum Taflap
Age: 0
Occupation :
S/o K.Taflap
Vill-Taflagam
PO-Khupa
PS-Hayuliang
Anjaw district

Arunachal Pradesh.

101:Yeromso Samba
Age: 0
Occupation :
S/o S. Samba
Vill- Hayulaing
PO/PS Hayuliang
Anjaw district

Arunachal Pradesh.

102:Kriyalu Achonyu

Age: 0

Occupation :

D/o K. Achonyu

Vill- Aphumna

PO-Khupa

PS-Hayuliang

Anjaw district

Arunachal Pradesh.

103:Pailaisai Achonyu

Age: 0

Occupation :

D/o R. Achonyu

Vill- Aphumna

PO-Khupa

PS-Hayuliang

Anjaw district

Arunachal Pradesh.

104:Plodung Achonyu

Age: 0

Occupation :

S/o C. Achonyu

Vill-Aphumna

PO-Khupa

PS-Hayuliang

Anjaw district

Arunachal Pradesh

105:Mafraksai Tega

Age: 0

Occupation :

W/o B. Tega

Vill- Tegamna

PO-Hayuliang

PS-Khupa

106:Badriu Tega

Age: 0

Occupation :

S/o K.Tega

Vill-Tegamna

PO-Hayuliang
PS-Khupa
Anjaw district
Arunachal
Pradesh.

107:Doli Krong
Age: 0
Occupation :
W/o K.Tega
Vill-Tegamna
PO-Hayuliang
PS-Khupa
Anjaw district
Arunachal

108:Jijilum Flakam
Age: 0
Occupation :
D/O Lt. M. Flakam
Vill- Chaglagam
PO- Khupa PS- Hayuliang.

109:Debea Achonyu
Age: 0
Occupation :
D/O J. Achonyu
Vill- Aphumna
PO Khupa PS- Hayuliang.

110:Banimlum Taflap
Age: 0
Occupation :
S/o B.Taflap
Vill-Taflagam
PO-Khupa
PS-Hayuliang

Anjaw district
Arunachal Pradesh.

111:Kamliangso Tega
Age: 0
Occupation :
S/o N.Tega
Vill-Abohagam
PO-Hayuliang
PS-Khupa

Anjaw district
Arunachal
Pradesh.

112:Bamin Taflap
Age: 0
Occupation :
S/O C. Taflap Vill- Taflagam
PO- Khupa
PS- Hayuliang
Anjaw District
AP.

113:Palisai Tega
Age: 0
Occupation :
W/o B.Tega
Vill-Tegamna
PO-Hayuliang
PS-Khupa
Anjaw district
Arunachal Pradesh.

114:Rahil Achonyu
Age: 0
Occupation :
S/O R. Achonyu
Vill- Aphumna
PO Khupa
PS Hayuliang. Anjaw district
Arunachal Pradesh.

115:Enam Bellai
Age: 0
Occupation :
S/O D.Bellia
Vill- Gomin
PO- Hayuliang
PS- Khupa
Anjaw district
Arunachal Pradesh.

116:Galong Mai
Age: 0
Occupation :
S/O B. Mai
Vill- Abohagam
PO- Hayuliang

PS- Khupa
Anjaw District
AP.

117:Bailum Taponyu
Age: 0
Occupation :
F/O C. Taponyu
Vill- Taflagam
PO- Khupa
PS- Hayuliang
Anjaw district
Arunachal Pradesh.

118:Dipanso Taflap
Age: 0
Occupation :
S/O J. Taflap
Vill- Taflagam
PO- Khupa
PS- Hayuliang.

119:Chulum Tapanyu
Age: 0
Occupation :
S/O B. Taponyu
Vill- Taflagam
PO- Khupa
PS- Hayuliang
Anjaw district
Arunachal Pradesh.

120:Atelum Taflap
Age: 0
Occupation :
Vill- Taflagam
PO-Khupa
PS-Hayuliang
Anjaw district
Arunachal Pradesh.

121:Sonamso Tega
Age: 0
Occupation :
S/O B. Tega
Vill- Tegamna
PO- Hayuliang
PS- Khupa

Anjaw district
Arunachal Pradesh.

122:Aphoya Taflap
Age: 0
Occupation :
D/O C. Taflap
vill- Taflagam
PO- Khupa
PS- Hayuliang

123:Enamso Flakam
Age: 0
Occupation :
S/O Y. Flakam
Vill-Taflagam
PO- Khupa
PS Hayuliang
Anjaw district
Arunachal Pradesh.

124:Choyin Bellai
Age: 0
Occupation :
S/O D. Bellia
Vill- Gomin
PO- Hayuliang
PS- Khupa
Anjaw district
Arunachal Pradesh

Advocate for the Petitioner : Dugmar Kamduk

Advocate for the Respondent :

BEFORE
HONBLE MR. JUSTICE KALYAN RAI SURANA
HONBLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 06.12.2023
(K.R. Surana, J)

Heard Mr. D. Kamduk, learned standing counsel for the Land

Management Department of the State. Also heard Mr. D. Das, learned senior counsel, assisted by Mr. R. Phukan, learned counsel for all the 124 respondents.

2. This intra-Court appeal is preferred against the judgment and order dated 08.09.2022, passed by the learned Single Judge of this Court in W.P.(C) 320(AP)/2022.

3. The case of the private respondents in their writ petition was to the effect that their respective lands were permanently acquired by the Govt. of Arunachal Pradesh in the year 2019 (from KM 06.00 to KM 16.00) towards Kapapu in Chaglongam Circle in Anjaw District for public purpose i.e. for construction of defence road by the Border Roads Organisation. The compensation payable to the respondents was initially assessed and/or quantified at Rs.35,94,01,935/- (Rupees Thirty five crore ninety four lakh one thousand nine hundred and thirty five only) by virtue of Report under Memo No. HL.G/LM-07/2016-18 dated 6th March, 2020 of the *Joint Survey and Property Assessment Report/ Board Proceeding*.

4. Thereafter, by another *Joint Survey and Property Assessment Report*, bearing No. HLG/LM-07/2019-20/ dated (not mentioned), the quantum of compensation was reduced to Rs.25,99,34,34,951. It may be mentioned that one of the signatory to the said report has given the date of "04 Nov 20" under his signature. It is also mentioned that in this survey report, it has been mentioned that the BRO had desired to acquire land under KM 6.500 to KM 16.500, which is in slight variation to the first survey report mentioned in the foregoing paragraph.

5. By yet another *Board Proceeding* under No. Memo No. ANJ/LM-01/2015-16 dated 8th March 2021, the rates of certain horticulture items

including cardamom compensation was scaled down. It is projected that such re-fixation of rates of horticulture items had resulted in further scaling down of the compensation amount from Rs.25,99,34,34,951 to Rs.11,60,12,680/-.

6. The herein before referred second and third re-assessments were challenged by the respondents by filing W.P.(C) 320/2021, which was allowed by judgment and order impugned in this intra-Court appeal.

7. By order dated 12.10.2023, this Court had ordered that the question regarding maintainability of this appeal be kept open for decision. Accordingly, as the issue of maintainability was raised by the respondents, the learned senior counsel for the respondents was asked to address the Court first.

8. The learned senior counsel for the respondents had submitted that under a similar facts and circumstances, which related to land covered under the same acquisition process, but relating to a different chainage, this Court had dismissed W.A. No. 24/2022, filed by the appellants vide judgment and order dated 04.01.2023. In the said context, it was submitted that the appellant had placed heavy reliance on the interim order passed in the said W.A. No. 24/2022 in para 14 of this memo of appeal.

9. The learned standing counsel for the appellant had vehemently opposed the prayer of the respondents questioning the maintainability of this writ petition.

10. It may be mentioned that although the learned standing counsel for the appellant has opposed the prayer made by the learned senior counsel for the respondent, but it could not be shown that save and except the different chainage and/or stretch of the road acquired for defence purpose, the subject matter of W.A. No. 24(AP)/2022 and the instant writ petition is not otherwise

identical.

11. In the judgment dated 08.09.2022, impugned in this appeal, the learned Single Judge had based its finding in light of the judgment dated 04.04.2022 in W.P.(C) 240(AP)/2021 and judgment dated 13.06.2022, passed in 175(AP)/2022. The said judgments were also referred in the judgment impugned in W.A. No. 24(AP)/2022.

12. The learned standing counsel for the appellants has not been able to dispute that in both the said writ petitions, the quantum of compensation had been reduced pursuant to the common Board Proceeding.

13. One of the submissions of the learned standing counsel for the appellants was to the effect that the learned Single Judge of this Court, vide order dated 04.04.2022, passed in W.P.(C) 240(AP)/2021, had made an observation in para-6 of the said order that ... *"if the rate of any of item in the acquisition is required to be determined, let the Additional Deputy Commissioner, Anjaw do it and complete the same within 15 (fifteen) days from the receipt of certified copy of and thereafter the matter be placed before the Government for its approval ..."* The said observation of the learned Single Judge in W.P.(C) 240(AP)/2021, cannot be interpreted to mean that (i) the Deputy Commissioner could delegate the decision making process of fixing rate of an item under acquisition to a Board without obtaining prior leave of this Court; and (ii) to take into consideration the rate of any item that was fixed on 08.03.2021, which was long after the date of land acquisition.

14. The learned standing counsel for the appellants has also not been able to dispute that the proposal for acquisition of land was made in the year 2017 and that the land of the petitioners was acquired in the year 2019. It is

also an admitted position of the appellants that the rates of horticulture was fixed by the Deputy Commissioner, Anjaw District vide *Board Proceeding* under No. Memo No. ANJ/LM-01/2015-16 dated 8th March 2021. Thus, though the land of the petitioners were acquired in the year 2019, the rates of compensation was fixed on the basis of *Board Proceeding* under memo dated 08.03.2021, which is impermissible.

15. It may be mentioned herein that the learned senior counsel for the respondents had submitted that the Central Government through the Border Roads Organisation had deposited the entire compensation money amounting to Rs.35,94,01,935/- (Rupees Thirty five crore ninety four lakh one thousand nine hundred and thirty five only). The said statement has not been controverted and/or denied by the appellants.

16. Thus, in light of the discussions above, the Court is of the considered opinion that the learned senior counsel for the respondents has been able to establish that the proceedings of W.A. No. 24(AP)/2022 (in which one of us was the Member of the Bench) was heard and decided on factual matrix that is similar to the present appeal, save and except the description of the stretch of land which was acquired. Accordingly, the Court is of the considered opinion that the appellants have not been able to make out a case for interference with the judgment and order dated 08.09.2022, passed by the learned Single Judge of this Court in W.P.(C) 320(AP)/2022. This Court is bound by the decision of the co-ordinate Division Bench of this Court and therefore, this appeal deserves to be dismissed in light of the discussions above and in light of the decision dated 04.01.2023, passed by this Court in W.A.No. 24(AP)/2022.

17. Hence, on facts and circumstances, the challenge in this intra-

Court appeal fails in law and in light of judgment and order dated 04.01.2023, passed by this Court in W.A.No. 24(AP)/2022. The appellant has not been able to persuade this Court to take a view which would be contrary to the opinion expressed in W.A. No. 24(AP)/2022.

18. Accordingly, this appeal stands dismissed.

19. Before parting with the records, it may be mentioned that the name and description of the appellants has not been provided in the cause title of the memo of appeal in this case. Therefore, in the absence of the name and description of the appellants, this appeal is found to be otherwise not maintainable.

20. Under the circumstances, the parties are left to bear their own cost.

JUDGE

JUDGE

Comparing Assistant