

GAHC040017472023



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

Case No. : WP(C)/623/2023

Smti Techī Yakar
D/o Shri Techī Murkhi, R/o Lekhi village P.O and P.S Lekhi, District Papum Pare,
Arunachal Pradesh. Contact No. 731038461

VERSUS

The Deputy Commissioner and 2 Ors.
Capital Complex, Itanagar, P.O Itanagar, papum pare District, arunachal Pradesh.
2:Smti Likha Nap

Age: 0
Occupation :

3:Joram Apa
Age: 0
Occupation

Advocate for the Petitioner : Lipi Niri

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 19.12.2023

Heard Mr. T. Torum, learned counsel for the petitioner.

Also heard Mr. I. Riram, learned Addl. Senior Government Advocate appearing for the State respondent no. 1.

This Court proposed to dispose of this writ petition, considering the nature of the grievance raised by the petitioner as the nature of the order proposed to be passed would not have any adverse effect on the respondents no. 2 & 3.

By filing this writ petition, under Article 226 of the Constitution of India, the petitioner has prayed for a direction to dispose of the application for cancellation of the Land Possession Certificate (LPC) dated 24.10.2023, filed by the petitioner, which is pending before the respondent no. 1, i.e., the Deputy Commissioner, Capital Complex, Itanagar.

The case projected by the petitioner is that an LPC No. DC/LM/LPC-14/08, dated 29.05.2017 was issued for the land/area measuring 1218 Sq. mtrs by the Deputy Commissioner, Capital Complex, Itanagar, in favor of the respondent no. 2, who is the cousin sister of the respondent no. 3. According to the petitioner, the land in question, for which LPC has been illegally issued in favor of the respondent no. 2 is a shared property between the petitioner and the respondent no. 3, at the time they were living as husband and wife. The petitioner contends that since the respondent no. 2 is only a cousin sister of respondent no. 3, she does not have any entitlement over the said

land.

Being aggrieved by the issuance of the LPC, dated 29.05.2017, by the Deputy Commissioner, Capital Complex, Itanagar in favor of the respondent no. 2, the petitioner has filed an application before the respondent no. 1 for cancellation of the said LPC issued in favor of respondent no. 2. However, the Deputy Commissioner has not yet considered the same.

Mr. T. Torum, learned counsel for the petitioner further submits that the LPC in question has been issued in favor of the respondent no. 2 despite the order of protection passed by the learned Judicial Magistrate First Class, Capital Complex at Yupia, dated 10.06.2015 in Domestic Violence Case No. 06/15, whereby it is clearly directed not to alienate the land/property.

Mr. I. Riram, learned Addl. Senior Government submits that the LPC in question has been issued in favor of the respondent no. 2 in between the first and second orders of protection by the learned JMFC, Capital Complex at Yupia, in Domestic Violence Case No. 06/15, however, he fairly submits that he may not have any objection for a direction to dispose of the application filed by the petitioner.

Considering the nature of the grievances and the submissions advanced by the learned counsel for the parties, this writ petition is disposed of with a direction to the respondent no. 1, the Deputy Commissioner, Capital Complex, Itanagar, to consider and dispose of the application for cancellation of the LPC no. DC/LM/LPC-14/08, dated 29.05.2017 after giving a reasonable opportunity to the petitioner, the respondent no. 2 as well as to the respondent no. 3 within a period of 1(one) month.

The writ petition stands disposed of in terms of above direction.

JUDGE

Comparing Assistant