

GAHC040001282017



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

Case No. : WP(C)/681/2017

SHRI OGONG TAMUK
S/O LT. ORAK TAMUK, PERMANENT RESIDENT OF PAKAM-II VILLAGE,
PO/PS AALO, WEST SIANG DISTRICT, A P.

VERSUS

THE STATE OF A.P. AND 9 ORS. THROUGH THE SECRETARY LAND
MANAGEMENT, GOVT. OF AP, ITANAGAR.

2:THE SECRETARY, LAND MANAGEMENT GOVT. OFAP ITANAGAR.

3:THE DIRECTOR, LAND MANAGEMENT GOVT. OF AP ITANAGAR.

4:THE SECRETARY, RURAL WORKS DEPTT. GOVT. OFAP ITANAGAR.

5:THE CHIEF ENGINEER, EASTERN ZONE RURAL WORKS DEPTT. GOVT.
OF AP ITANAGAR.

6:THE SUPERINTENDING, RURAL WORKS CIRCLE PASIGHAT EAST SIANG
DISTRICT AP.

7:THE EXECUTIVE ENGINEER, RURAL WORKS DIVISION AALO WEST
SIANG DISTRICT AP.

8:THE DEPUTY COMMISSIONER, AALO WEST SIANG DISTRICT AP.

9:THE DISTRICT LAND REVENUE and SETTLEMENT OFFICER AALO WEST
SIANG DISTRICT AP.

10:M/S DT CONSTRUCTION HOUSE THROUGH ITS PROPRIETOR SHRI

TOJO BASAR R/O BASAR PO BASAR WEST SIANG DISTRICT AP

Advocate for the Petitioner : Mr.M Doji

Advocate for the Respondent : SC(Land Management)

BEFORE
HONBLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 28-05-2024

Heard Mr. D. Panging, learned counsel for the petitioner. Also heard Mr. D. Kamduk, learned Standing Counsel, Land Management Department, for the respondent Nos. 1 to 3; Mr. G. Tarak, learned Standing Counsel, RWD, for the respondent Nos. 4to 7 and Ms. P. Pangu, learned Government Advocate appearing for the respondent No. 8 & 9.

Mr. Panging, learned counsel for the petitioner after having made his submissions in the matter for some time, given the disclosures as made in the affidavit filed by the respondent No. 4 in the matter and the contradiction of the statements available therein, with the contentions so made in the writ petition, which leads to a dispute as to whether the petitioner had donated the entire plot of land or a part thereof, submits that he may be permitted to withdraw the present writ present petition with liberty to approach the competent Civil Court having jurisdiction over the matter to have the issue finally decided. The said prayer as made by Mr. Panging is not objected to by the learned counsel for the respondents.

Prayer as made by the petitioner is accepted and the present writ petition stands dismissed on withdrawal with liberty to the petitioner to approach the Civil Court of competent jurisdiction for redressal of his grievances as raised in the present proceedings, within a period of 30(thirty) days from today.

In the event, proceeding as now required to be initiated is so initiated and a issue of delay in institution of the same so arises, the learned trial Court while considering the application filed for condonation of such delay, shall take into consideration that the issue involved was pending in the present proceeding before this Court w.e.f. 21.09.2017, and on such consideration of the same proceed to condone the delay so occasioning and thereafter, consider the matter on its merits expeditiously after granting an opportunity of hearing to all parties involved.

JUDGE

Comparing Assistant