



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

Case No. : WP(C)/3/2023

Babuk Rinya and 228 Ors.

S/o Lt. Tapik Rinya, aged about 42 years, resident of Tato, P.O P.S Tato, Shi Yomi District, Arunachal Pradesh, Ph. No.9402221166. 2: Tapop Heyo

Age:

Occupation :

3: Yabi Heyo

Age:

Occupation :

4: Tari Kame

Age:

Occupation :

5: Jambe Rida

Age:

Occupation :

6: Yatak Pikyor

Age:

Occupation :

7: Tape Pikor

Age:

Occupation :

8: Tomkar Nomuk

Age:

Occupation :

9: Tinpu Nyogen

Age:

Occupation :

10: Tasor Ngurak

Age:

Occupation :

11: Tana Rinya

Age:

Occupation :

12: Tagur Ragyor

Age:

Occupation :

13: Tsering Kotin

Age:

Occupation :

14: Rajesh Kotin

Age:

Occupation :

15: Sivi Kotin

Age:

Occupation :

16: Taso Kame

Age:

Occupation :

17: Tayor Ragyor

Age:

Occupation :

18: Yajer Ragyor

Age:

Occupation :

19: Situ Kotin

Age:

Occupation :

20: Yare Kotin

Age:

Occupation :

21: Pasang Nyogen

Age:

Occupation :

22: Tatum Puchung

Age:

Occupation :

23: Taku Puchung

Age:

Occupation :

24: Amon Mosu

Age:

Occupation :

25: Yajum Pusang

Age:

Occupation :

26: Damu Rinya

Age:

Occupation :

27: Tayor Ragyor

Age:

Occupation :

28: John Diru

Age:

Occupation :

29: Dao Pullom

Age:

Occupation :

30: Taka Tame

Age:

Occupation :

31: Lidu Rinya

Age:

Occupation :

32: Didik Diru

Age:

Occupation :

33: Bogum Rinya

Age:

Occupation :

34: Eling Rida

Age:

Occupation :

35: Biju Rida

Age:

Occupation :

36: Rajiv Heyo

Age:

Occupation :

37: Sabo RIda

Age:

Occupation :

38: Taja Heyo

Age:

Occupation :

39: Taka Talar

Age:

Occupation :

40: Oni Puchung

Age:

Occupation :

41: Bonye Ragyor

Age:

Occupation :

42: Tako Puchung

Age:

Occupation :

43: Bonya Puchung

Age:

Occupation :

44: Adu Ragyor

Age:

Occupation :

45: Yasen Puchung

Age:

Occupation :

46: Yate Ragyor

Age:

Occupation :

47: Duter Rakshap Miru

Age:

Occupation :

48: Lido Rida

Age:

Occupation :

49: Boken Diru

Age:

Occupation :

50: Moge Taro

Age:

Occupation :

51: Paji Rida

Age:

Occupation :

52: Yane Diru

Age:

Occupation :

53: Amoty Gusar Maying

Age:

Occupation :

54: Gita Singkom

Age:

Occupation :

55: Sanker Rida

Age:

Occupation :

56: Joti Heyo

Age:

Occupation :

57: Pakpe Yordung

Age:

Occupation :

58: Tatin Rida

Age:

Occupation :

59: Bojer Diru

Age:

Occupation :

60: Taro Diru

Age:

Occupation :

61: Takar Koje

Age:

Occupation :

62: Tsering Chije

Age:

Occupation :

63: Kali Pigyor

Age:

Occupation :

64: Johny Diru

Age:

Occupation :

65: Mame Rakshap

Age:

Occupation :

66: Aying Kotin

Age:

Occupation :

67: Onyak Kotin

Age:

Occupation :

68: Tanyang Heyo

Age:

Occupation :

69: Bogum Diru

Age:

Occupation :

70: Kotin Rida

Age:

Occupation :

71: Yame Rida

Age:

Occupation :

72: Antony Rida

Age:

Occupation :

73: Yatum Rida

Age:

Occupation :

74: Juhi Rida

Age:

Occupation :

75: Yate Rinya

Age:

Occupation :

76: Bote Yuto

Age:

Occupation :

77: Bojum Ruchi

Age:

Occupation :

78: Tajen Dupu

Age:

Occupation :

79: Botu Tada
Age:
Occupation :

80: Tomi Taro
Age:
Occupation :

81: Tajum Ruchi
Age:
Occupation :

82: Taken Singlong
Age:
Occupation :

83: Tado Ragyor
Age:
Occupation :

84: Vijay Rinya
Age:
Occupation :

85: Yajum Rinya
Age:
Occupation :

86: Pakjap Ruchi
Age:
Occupation :

87: Tomi Ruchi
Age:
Occupation :

88: Tasen Yorpen
Age:
Occupation :

89: Modo Singkom

Age:

Occupation :

90: Tagi Hiba

Age:

Occupation :

91: Tamar Hiba

Age:

Occupation :

92: Yate Hiba

Age:

Occupation :

93: Yaluk Yordung

Age:

Occupation :

94: Bosco Ngurak

Age:

Occupation :

95: Taru Hiba

Age:

Occupation :

96: Lakpe Rinya

Age:

Occupation :

97: Yatu Puchung

Age:

Occupation :

98: Yame Pujen

Age:

Occupation :

99: Yame Heyo

Age:

Occupation :

100: Tachung Singkom

Age:

Occupation :

101: Boling Rinya

Age:

Occupation :

102: Tatin Kiri

Age:

Occupation :

103: Anya Rinya

Age:

Occupation :

104: Tajak Rinya

Age:

Occupation :

105: Yorko Duping

Age:

Occupation :

106: Nanu Padu

Age:

Occupation :

107: Kanro Ragshap

Age:

Occupation :

108: Talar Rinya

Age:

Occupation :

109: Eling Rinya

Age:

Occupation :

110: Talit Rinya

Age:

Occupation :

111: Jura Diru

Age:

Occupation :

112: Masum Yabu

Age:

Occupation :

113: Tame Pikyor

Age:

Occupation :

114: Out Pigyor

Age:

Occupation :

115: Mary Pigyor

Age:

Occupation :

116: Tatum Rinya

Age:

Occupation :

117: Tabu Taro

Age:

Occupation :

118: Tanya Taro

Age:

Occupation :

119: Tabi Kiri

Age:

Occupation :

120: Yayi Ekke

Age:

Occupation :

121: Mami Pusang

Age:

Occupation :

122: Tagi Tada

Age:

Occupation :

123: Tatu Hiba

Age:

Occupation :

124: Tajo Hiba

Age:

Occupation :

125: Taje Yorpen

Age:

Occupation :

126: Yaroti Hiba

Age:

Occupation :

127: Yabum Hiba

Age:

Occupation :

128: Doge Diru

Age:

Occupation :

129: Mona Diru

Age:

Occupation :

130: Ranjen Sona

Age:

Occupation :

131: Anju Tapen

Age:

Occupation :

132: Badur Rinya

Age:

Occupation :

133: Taluk Kiri

Age:

Occupation :

134: Tashi Diru

Age:

Occupation :

135: Yadet Chije

Age:

Occupation :

136: Yachin Diru

Age:

Occupation :

137: Puying Diru

Age:

Occupation :

138: Takar Puchung

Age:

Occupation :

139: Yaje Puchung

Age:

Occupation :

140: Yanyir Yorpen

Age:

Occupation :

141: Sumila Puchung

Age:

Occupation :

142: Tame Pupor

Age:

Occupation :

143: Rani Heyo

Age:

Occupation :

144: Yali Pudur

Age:

Occupation :

145: Akom Rida

Age:

Occupation :

146: Yaluk Yuto

Age:

Occupation :

147: Yapi Yuto

Age:

Occupation :

148: Bai Yuto

Age:

Occupation :

149: Lucy Yuto

Age:

Occupation :

150: Yashi Yuto

Age:

Occupation :

151: Tade Ngurak

Age:

Occupation :

152: Kumar Ngurak

Age:

Occupation :

153: Talam Yuto

Age:

Occupation :

154: Tai Hanggo

Age:

Occupation :

155: Yapop Rinya

Age:

Occupation :

156: Yadam Ragshap

Age:

Occupation :

157: Yabin Heyo

Age:

Occupation :

158: Yade Kochung

Age:

Occupation :

159: Yaming Rida

Age:

Occupation :

160: Dejum Rinya

Age:

Occupation :

161: Deli Rinya

Age:

Occupation :

162: Tatam Tame

Age:

Occupation :

163: Yagi Rinya

Age:

Occupation :

164: Bojum Rinya

Age:

Occupation :

165: Yamoti Ngurak

Age:

Occupation :

166: Yarit Ngurak

Age:

Occupation :

167: Tasok Yordung

Age:

Occupation :

168: Peyor Ragyor

Age:

Occupation :

169: Yagi Hiba

Age:

Occupation :

170: Jhony Pinggam

Age:

Occupation :

171: Tabi Ragshap

Age:

Occupation :

172: Yari Ngurak

Age:

Occupation :

173: Tapor Pigyor

Age:

Occupation :

174: Bane Pigyor

Age:

Occupation :

175: Pojo Pinggam

Age:

Occupation :

176: Jhon Pigyor

Age:

Occupation :

177: Gandhi Kotin

Age:

Occupation :

178: Paksi Heyo

Age:

Occupation :

179: Sonali Heyo

Age:

Occupation :

180: Paye Mosing

Age:

Occupation :

181: Yaber Yuto

Age:

Occupation :

182: Yager Yuto

Age:

Occupation :

183: Tabi Ngurak

Age:

Occupation :

184: Yabom Yuto

Age:

Occupation :

185: Duli Yabu

Age:

Occupation :

186: Mame Rinya

Age:

Occupation :

187: Mame Komi Rida

Age:

Occupation :

188: Jyoti Komi

Age:

Occupation :

189: Kotin Diru

Age:

Occupation :

190: Talop Pusang

Age:

Occupation :

191: Binte Pinggam

Age:

Occupation :

192: Manju Hango

Age:

Occupation :

193: Damji Rinya

Age:

Occupation :

194: Jote Pusang

Age:

Occupation :

195: Leetum Koje

Age:

Occupation :

196: Lipo Hiba

Age:

Occupation :

197: Yasum Rinya

Age:

Occupation :

198: Tajum Thama

Age:

Occupation :

199: Yamen Thama
Age:
Occupation :

200: Jhumpi Thama
Age:
Occupation :

201: Yatung Thama
Age:
Occupation :

202: Sita Heyo
Age:
Occupation :

203: Ona Ragyor
Age:
Occupation :

204: Tatum Ekke
Age:
Occupation :

205: Tame Ragyor
Age:
Occupation :

206: Meena Hemi
Age:
Occupation :

207: Botu Tada
Age:
Occupation :

208: Aling Pinggam
Age:
Occupation :

209: Among Pinggam

Age:

Occupation :

210: Jenny Pinggam

Age:

Occupation :

211: Tajum Tangu

Age:

Occupation :

212: Nani Yorpen

Age:

Occupation :

213: Tanya Rinya

Age:

Occupation :

214: Boken Puying

Age:

Occupation :

215: Nyali Rinya

Age:

Occupation :

216: Situ Heyo

Age:

Occupation :

217: Damde Rinya

Age:

Occupation :

218: Taying Huto

Age:

Occupation :

219: Jhon Yuto

Age:

Occupation :

220: Pinu Ngurak

Age:

Occupation :

221: Tabur Ngurak

Age:

Occupation :

222: Oni Komi

Age:

Occupation :

223: Yadom Diru

Age:

Occupation :

224: Tali Yuto

Age:

Occupation :

225: Takar Tapen

Age:

Occupation :

226: Arit Puchung

Age:

Occupation :

227: Bojer Puchung

Age:

Occupation :

228: Santo Hango

Age:

Occupation :

229: Jumpe Lollen

Age:

Occupation

VERSUS

THE STATE OF AP and 5 Ors.

Represented by the Chief Secretary, Govt. of AP, Itanagar. 2:The
Secretary/Commissioner

Age: 0

Occupation :

3:The Director

Age: 0

Occupation :

4:The Deputy Commissioner

Age: 0

Occupation :

5:Director General

Age: 0

Occupation :

6:The Commanding Officer

Age: 0

Occupation

Advocate for the Petitioner : Nikita Danggen

Advocate for the Respondent : GA (AP)

Linked Case : WP(C)/49/2023

Jimmy Hanngo and 68 Ors.

Age: 34

Occupation :

Address:S/o T. Hanngo

Resident of Tato

PO/PS Tato

Shi Yomi District
Arunachal Pradesh
Ph. No. 9402221166
2: Tadik Jida
Age: 40
Occupation :
Address:S/o T. Jida

Permanent Resident of Village Heyo
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9402347650

3: Yanyor Koje
Age: 45
Occupation :
Address:W/o T. Koje

Permanent Resident of Village Heyo
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436089567

4: Tagi Hiba
Age: 47
Occupation :
Address:S/o T. Hiba

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436013645

5: Roman Hiba
Age: 20
Occupation :
Address:S/o T. Hiba

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436090876

6: Tadu Hiba
Age: 42
Occupation :
Address:S/o T. Hiba

Permanent Resident of Village Tato
PO/PS Tato

Shi Yomi District
Arunachal Pradesh. Ph. No. 9436090843

7: Yanga Jida
Age: 37
Occupation :
Address:W/o T. Jida

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436065980

8: Nope Rinya
Age: 46
Occupation :
Address:S/o G. Rinya

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436028976

9: Jona Sanyor
Age: 27
Occupation :
Address:S/o L. Sanyor

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph No. 9436078651

10: Tatu Tangu
Age: 56
Occupation :
Address:S/o Shri T. Tangu

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436059086

11: Tudi Tangu
Age: 26
Occupation :
Address:S/o T. Tangu

Permanent Resident of Village Tato
PO/PS Tato

Shi Yomi District
Arunachal Pradesh. Ph No. 9436054398

12: Yalar Hilli
Age: 48
Occupation :
Address:W/o L. Hilli

Permanent Resident of Village Tagur
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph No. 9436063450

13: Tani Hilli
Age: 21
Occupation :
Address:S/o T. Hilli

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436078412

14: Tajum Kiri
Age: 36
Occupation :
Address:S/o T. Kiri

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436074310

15: Tinjoh Mosing
Age: 56
Occupation :
Address:S/o T. Mosing

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436076120

16: Yajap Mosing
Age: 43
Occupation :
Address:S/o Lt. T. Mosing

Permanent Resident of Village Tato
PO/PS Tato

Shi Yomi District
Arunachal Pradesh. Ph. No. 9436038006

17: Eli Tangu
Age: 39
Occupation :
Address:S/o T. Tangu

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436023780

18: Talok Singkom
Age: 54
Occupation :
Address:S/o T. Singkom

Permanent Resident of Village Tagur
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436019087

19: Jambe Jida
Age: 52
Occupation :
Address:S/o T. Jida

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh
Ph No. 9436003451

20: Minam Jida
Age: 27
Occupation :
Address:S/o S. Jida

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436003451

21: Taken Pigyor
Age: 56
Occupation :
Address:S/o T. Pigyor

Permanent Resident of Village Tato

PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436062451

22: Yapi Pigyor
Age: 40
Occupation :
Address:S/o T. Pigyor

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh
Ph. No. 9436037580

23: Gojum Hanggo
Age: 32
Occupation :
Address:S/o T. Hanggo

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436048902

24: Mige Ruchi
Age: 27
Occupation :
Address:S/o R. Ruchi

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh
Ph No. 9436043527

25: Botum Pinggam
Age: 46
Occupation :
Address:S/o T. Pinggam

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436078291

26: Line Ragyor
Age: 59
Occupation :
Address:S/o T. Ragyor

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436078291

27: Yami Dabu
Age: 43
Occupation :
Address:D/o D. Yabu

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436007581

28: Tasar Jida
Age: 45
Occupation :
Address:S/o T. Jida

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436085241

29: Tabin Kini
Age: 45
Occupation :
Address:S/o Lt. T. Kini

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436042390

30: Boke Hanggo
Age: 42
Occupation :
Address:S/o Shri P. Hanggo

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436053530

31: Mary Hanggo
Age: 32
Occupation :
Address:W/o T. Hanggo

Permanent Resident of Village Hone
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436064109

32: Tator Yabu
Age: 28
Occupation :
Address:S/o Shri T. Yabu

Permanent Resident of Village Hone
PO/PS Tato
District Shi Yomi
Arunachal Pradesh. Ph. No. 9436032980

33: Tanya Hanggo
Age: 29
Occupation :
Address:S/o T. Hanggo

Permanent Resident of Village Tato
PO/PS Tato
District Shi Yomi
Arunachal Pradesh. Ph. No. 9436032109

34: Ajum Yabu
Age: 30
Occupation :
Address:W/o T. Yabu

Permanent Resident of Village Heyo
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9402347650

35: Tado Pigyor
Age: 56
Occupation :
Address:S/o T. Pigyor

Permanent Resident of Village Heyo
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436089567

36: Yapik Rida
Age: 29
Occupation :
Address:W/o T. Rida

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh
Ph. No. 9436013645

37: Tapir Talar
Age: 46
Occupation :
Address:S/o T. Rida

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436090876

38: Kaken Rida
Age: 26
Occupation :
Address:D/o T. Rida

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436090843

39: Tabu Hanggo
Age: 50
Occupation :
Address:S/o G. Hanggo

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436028976

40: Tamo Hilli
Age: 40
Occupation :
Address:S/o Shri Pasan Hilli

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436059086

41: Demya Jida Kaye
Age: 29
Occupation :

Address:S/o Deso Jida Kayi

Permanent Resident of Village Tagur
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436063450

42: Yane Jida
Age: 39
Occupation :
Address:W/o Yorte Jida

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436074310

43: Deso Jida
Age: 35
Occupation :
Address:S/o Yorte Jida

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436076120

44: Tajo Rida
Age: 19
Occupation :
Address:S/o Kotin Rida

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436076120

45: Yabi Talar
Age: 55
Occupation :
Address:W/o Talok Talar

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436076120

46: Oman Talar
Age: 21
Occupation :

Address:S/o Talok Talar

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. no. 9436061098

47: Nari Rida
Age: 35
Occupation :
Address:D/o Lt. Tama Rida

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436061098

48: Yachuk Nyogen
Age: 40
Occupation :
Address:W/o Tumpe Nyogen

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436076142

49: Tapor Puchung
Age: 55
Occupation :
Address:S/o Lt. Tajap Puchung

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436063637

50: Tachuk Ngurak
Age: 49
Occupation :
Address:S/o Lt. Tama Ngurak

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436013270

51: Take Yuto
Age: 56
Occupation :

Address:S/o Lt. Tama Yuto

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436042540

52: Tachuk Yuto
Age: 39
Occupation :
Address:S/o Lt. Tami Yuto

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436078435

53: Tana Yuto
Age: 25
Occupation :
Address:S/o Taluk Yuto

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436053639

54: Boteng Heyo
Age: 32
Occupation :
Address:S/o Tabu Heyo

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436064790

55: Lingdung Diru
Age: 38
Occupation :
Address:S/o Lt. Tatum Diru

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436063639

56: Yape Hiba
Age: 39
Occupation :

Address:W/o Tato Hiba

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph.No 9436043590

57: Yapung Samyor Talar
Age: 27
Occupation :
Address:W/o Tare Talar

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh PH. NO. 9436042390

58: Yanyi Koje Yabu
Age: 27
Occupation :
Address:W/o Tare Talar

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436053530

59: Tai Ragyor
Age: 47
Occupation :
Address:S/o Lt. Sopor Ragyor

Permanent Resident of Village Hone
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436064109

60: Yagum Diru
Age: 48
Occupation :
Address:W/o Shri Tajen Diru

Permanent Resident of Village Hone
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436032980

61: Yanya Talar
Age: 35
Occupation :

Address:D/o Taru Talar

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No 9436032109

62: Hunya Diru
Age: 36
Occupation :
Address:W/o Kismat Koje

Permanent Resident of Village Heyo
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. nO. 9402347650

63: Jaru Diru
Age: 29
Occupation :
Address:S/o Lt. Tajer Koje

Permanent Resident of Village Heyo
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. no. 9436089567

64: Yatum Rinya
Age: 52
Occupation :
Address:W/o Tachuk Rinya

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436013645

65: Tachuk Rinya
Age: 56
Occupation :
Address:S/o Lt. Tatak Rinya

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436090876

66: Atum Talar
Age: 42
Occupation :

Address:W/o Tapir Talar

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436090843

67: Ani Hiba
Age: 29
Occupation :
Address:D/o Shri Lipo Hiba

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436065980

68: Mina Kochung
Age: 31
Occupation :
Address:W/o Tou Diru

Permanent Resident of Village Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436028976

69: Bojum Puchung
Age: 40
Occupation :
Address:S/o Lt. Tatik Puchung

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436059086
VERSUS

THE STATE OF AP and 5 Ors.
Age: 0
Occupation :
Address:Represented by the Chief Secretary
Govt. of Arunachal Pradesh
Itanagar.
2:The Secretary/Commissioner
Age: 0
Occupation :
Address:Land Management
Govt. of Arunachal Pradesh
Itanagar.

3:The Director
Age: 0
Occupation :
Address:Land Management
Govt. of Arunachal Pradesh
Itanagar.

4:The Deputy Commisssioner
Age: 0
Occupation :
Address:Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh.

5:Director General Border Roads
Age: 0
Occupation :
Address:Seema Sadak Bhawan
Ring Road Naraina
Delhi Cantt. New Delhi 110010

6:The Commanding Officer
Age: 0
Occupation :
Address:91 RCC (GREF) at KM 8 (Thumbin) on Kaying Tato Road
West Siang District
AP
Pin 791001

Advocate for : Nikita Danggen
Advocate for : GA (AP) appearing for THE STATE OF AP and 5 Ors.: Advocate ,

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, appearing for 2,

3,

4,

5,

6, respectively.

Linked Case : WP(C)/53/2023

Mame Rida and Anr.

Age: 45

Occupation :

Address:S/o Tama Rida

Resident of Tato

PO/PS Tato

Shi Yomi District

Arunachal Pradesh. Ph. No. 9402221166

2: Yaring Diru Tadik Jida

Age: 32

Occupation :

Address:W/o Bidik Diru

Permanent Resident of Village Heyo

PO/PS Tato

Shi Yomi District

Arunachal Pradesh

Ph. No. 9402347650

VERSUS

THE STATE OF AP and 3 Ors.

Age: 0

Occupation :

Address:Represented by the Chief Secretary

Govt. of Arunachal Pradesh

Itanagar.

2:The Secretary/Commissioner

Age: 0

Occupation :

Address:Land Management

Govt. of Arunachal Pradesh

Itanagar.

3:The Director

Age: 0

Occupation :

Address:Land Management

Govt. of Arunachal Pradesh

Itanagar.

4:The Deputy Commissioner

Age: 0

Occupation :

Address:Tato

PO/PS Tato

Shi Yomi District

Arunachal Pradesh.

Advocate for : Nikita Danggen

Advocate for : GA (AP) appearing for THE STATE OF AP and 3 Ors.: Advocate ,

,

, appearing for 2,

3,

4, respectively.

Linked Case : WP(C)/131/2023

Tasen Puying and 24 Ors.

Age: 30

Occupation :

Address:S/o Shri Tame Puying

Resident of Tato

PO/PS Tato

Shi Yomi District

Arunachal Pradesh. Ph. No. 9402221166

2: Yanya Ragyor

Age: 39

Occupation :

Address:D/o Lt. Tami Ragyor

Resident of Tato

PO/PS Tato

Shi Yomi District

Arunachal Pradesh

Ph. No. 9402294783

3: Tony Rinya

Age: 40

Occupation :

Address:S/o Lt. Kadu Rinya

Resident of Tato

PO/PS Tato

Shi Yomi District

Arunachal Pradesh

Ph. No. 9436098472

4: Boken Rinya

Age: 32
Occupation :
Address:S/o Shri Lipo Rinya

Resident of Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh

Ph. No. 9436098726

5: Juli Jida
Age: 35
Occupation :
Address:D/o Shri Tate Jida

Resident of Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh
Ph. No. 9436067543

6: Yachi Koje
Age: 40
Occupation :
Address:D/o T. Koje

Resident of Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh
Ph. No. 9407565890

7: Nope Rinya
Age: 46
Occupation :
Address:S/o Lt. Dachuk Rinya

Resident of Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh
Ph. No. 9436028976

8: Jona Samyor
Age: 27
Occupation :
Address:S/o Tali Samyor

Resident of Tato

PO/PS Tato
Shi Yomi District
Arunachal Pradesh
Ph. No. 9436078651

9: Yalar Hilli
Age: 48
Occupation :
Address:W/o Shri Tachir Hilli

Resident of Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh

Ph. No. 9402221166

10: Timpu Mosing
Age: 56
Occupation :
Address:S/o T. Mosing

Resident of Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh

Ph. No. 9436076120

11: Yajap Mosing
Age: 43
Occupation :
Address:S/o T. Mosing

Resident of Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh

Ph. No. 9436038006

12: Eli Tangu
Age: 39
Occupation :
Address:S/o Kadu Tangu

Resident of Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh

Ph. No. 9436023780

13: Jambe Jida
Age: 52
Occupation :
Address:S/o Lt. Tapok Jida

Resident of Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh
Ph. No. 9436038941

14: Yaji Pikyor
Age: 40
Occupation :
Address:S/o T. Pikyor

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh.
Ph. No. 9436037580

15: Mige Ruchi
Age: 27
Occupation :
Address:S/o Tami Ruchi

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh.
Ph. No. 9436043527

16: Yami Yabu
Age: 43
Occupation :
Address:D/o Shankar Yabu

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh.
Ph. No. 9436007581

17: Tanya Hanggo
Age: 29
Occupation :

Address:S/o Lidung Hanggo

Permanent Resident of Village Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh.
Ph. No. 9436032109

18: Atum Yabu
Age: 30
Occupation :
Address:W/o T. Yabu

Permanent Resident of Village Heyo
PO/PS Tato
Shi Yomi District
Arunachal Pradesh.
Ph. No 9402347650

19: Demya Jida Kaye
Age: 29
Occupation :
Address:D/o Deso Jida Kayi

Permanent Resident of Village Tagur
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436063450

20: Chunya Diru
Age: 36
Occupation :
Address:W/o Kismat Koje

Permanent Resident of Village Heyo
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436089567

21: Jarju Koje
Age: 29
Occupation :
Address:S/o Lt. Tajer Koje

Permanent Resident of Village Heyo
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436089567

22: Tanu Yuto

Age: 37
Occupation :
Address:S/o Taluk Yuto

Resident of Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9402221166

23: Yaying Diru
Age: 32
Occupation :
Address:W/o Didik Diru

Resident of Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9478467303

24: Yanyi Koje Yabu
Age: 40
Occupation :
Address:W/o Taya Yabu

Resident of Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9406575890

25: Mina Kochung
Age: 41
Occupation :
Address:W/o Todi Diru

Resident of Tato
PO/PS Tato
Shi Yomi District
Arunachal Pradesh. Ph. No. 9436028976
VERSUS

THE STATE OF AP and 5 Ors.
Age: 0
Occupation :
Address:Represented by the Chief Secretary
Govt. of Arunachal Pradesh
Itanagar.
2:The Secretary/Commissioner
Age: 0
Occupation :
Address:Land Management

Govt. of Arunachal Pradesh
Itanagar

3:The Director

Age: 0

Occupation :

Address:Land Management

Govt. of Arunachal Pradesh

Itanagar.

4:The Deputy Commissioner

Age: 0

Occupation :

Address:Tato

PO/PS Tato

Shi Yomi District

Arunachal Pradesh.

5:Director General Border Roads

Age: 0

Occupation :

Address:Seema Sadak Bhawan

Ring Road Naraina

Delhi Cantt

New Delhi 110010

6:The Commanding Officer

Age: 0

Occupation :

Address:92 RCC (GREF) at km 8 (Thumbin) on Kaying Tato Road

West Siang District

A.P

PIN 791001

Advocate for : Nikita Danggen

Advocate for : GA (AP) appearing for THE STATE OF AP and 5 Ors.: Advocate ,

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, appearing for 2,

3,

4,

5,

6, respectively.

BEFORE

HON'BLE MR JUSTICE ARUN DEV CHOUDHURY

For the Petitioner : Ms. N. Danggen, Advocate.

For the Respondents : Mr. R. H. Nabam,
Government Advocate.
Mr. D. Kamduk, Standing Counsel.
Land Management Department.

Date of Hearing : 06.08.2024

Date of Judgement : 14.08.2024

JUDGMENT & ORDER (CAV)

1. Heard Ms. N Drangeen, learned counsel for the petitioners. Also heard Mr. R H Nabam, learned Government Advocate, State of Arunachal Pradesh for the State respondents and Mr. D. Kamduk, learned Standing Counsel for the Land Management Department.
2. These present writ petitions are taken up together for final disposal today as these writ petitions involve a common cause of action and the challenges made are also common.
3. Primarily, Orders dated 27th October' 2022 and 9th December 2022 issued by the Deputy Commissioner of Shi-Yomi District, Arunachal Pradesh are being challenged. Under the aforesaid orders, the Deputy Commissioner had prepared a list, enlisting the persons, whose claims for land acquisition compensation were rejected and the list is marked as "Rejected List".
4. The further challenge made is the order dated 29.03.2021, passed by the Deputy Commissioner, whereby, certain persons/citizens/the present

writ petitioners were asked not to carry on any construction over their private properties.

5. The grounds of challenge are, firstly, that such orders of rejection had been passed only on the basis of the order of the Deputy Commissioner dated 29.03.2021, which is not sustainable under law for the reason that the claims of the petitioners had been rejected on the alleged ground that their houses were constructed violating the order of the Deputy Commissioner / Public Notice dated 29.03.2021.
6. According to the learned counsel for the petitioners, the Deputy Commissioner is having no sanction and authority under law to issue the notice dated 29.03.2021 prior to the initiation of any land acquisition proceeding and thus the same resulted in violation of the petitioner's fundamental right under Article 21 as well as their rights under Article 300A of the Constitution of India. According to the petitioners, they cannot be deprived of the compensation for the land and the property acquired by the State, only on the ground that such construction has been made in violation of the notice dated 29.03.2021.
7. The Deputy Commissioner has filed an affidavit and has taken a stand that the Executive Engineer (Civil) -cum- Officer Commanding (BRO) had written a letter to the Deputy Commissioner alleging encroachment of BRO land by civilians between Pene to Tato, on Kaying-Tato Road and requested him for necessary action.
8. It is the contention of the learned counsel for the Deputy Commissioner that based on such request, the public Notice dated 29.03.2021 was issued and therefore, it cannot be said that the Deputy Commissioner had issued the order/notice without sanction and authority under law, since, the Deputy Commissioner being the head of the District, shall have power to issue such an order to stop construction.

9. The learned State counsel has further contended that under the land acquisition process, the petitioner had participated in negotiation, survey and assessment and when their claims were rejected, then only they had become wise and approached this Court for redressal of their grievances, therefore, they are estopped for raising such plea.
10. I have given anxious consideration to the submissions advanced by the learned counsel for the parties and also perused the materials available on record.
11. Before dealing with the arguments advanced by the learned counsel for the parties, let this Court first record the facts, which are not in dispute and are discernible from the pleadings made by the parties.
 - I. As recorded hereinabove, a public notice was issued on 29.03.2021 asking the civilians not to carry out constructions in certain areas. By now it is an admitted position that such notice was issued at the request of the Executive Engineer (Civil) cum Commanding Officer, BRO..
 - II. On 03.06.2021 an Office Memorandum was issued by the State respondent laying down the parameters for assessing the structures / trees / any other properties which are subject of acquisition under Regulation 1947. The said OM prescribes payment of reasonable compensation and reasonableness was to be ascertained by giving due regard to the valuation of the land and standing assets **on the date of notification under Regulation 1947**, there nature including agriculture/horticultural crops/demurrage thereof and the loss of income to the individual/community right holders till the passing of the award..
 - III. On 11.02.2022, Deputy Commissioner, Shi-Yomi District issued a

Public Notice in the exercise of its power conferred upon him in terms of the aforesaid Office Memorandum for carrying out the assessment of the properties.

- IV. A committee was constituted and it was proposed that the assessment will be made with effect from 17.07.2021 and the assessment report is to be submitted on or before 28.02.2022.
- V. Subsequently, on 24.05.2022, a notice under Section 10 of Balipara/Tirap/Sadiya Frontier Tract Jhumland Regulation, 1947 (in short Regulation of 1947), was issued, whereby, the intention of the Government was expressed to acquire the scheduled land for construction of new alignment widening/improvement of existing road to 2 Lane National Standard (NHDL) Kaying-Tato road from Pene village KM 45.000 to Tato KM 78.370 (Total Length 33.370 Km) existing road length 45.000 Km to 86.600 Km (Total length 41.600 Km).
- VI. Thereafter, another order was issued by the Deputy Commissioner on 13.08.2022 and re-assessment was directed to be carried out properly of properties standing in the proposed right of way and submit a report within 45 days from the date of issuance of the order dated 13.08.2022.
- VII. Accordingly, a Public Notice was issued vide Notice dated 22.08.2022 for such re-assessment and subsequently by the order impugned dated 27.10.2022, the final lists were published on the basis recommendation of such committee and the lists No.2 and 3 was prepared, which included the persons whose claim for compensation was rejected on the ground that the construction was made in violation of the Deputy Commissioner's order dated 29.03.2021.

12. From the aforesaid sequence of events, as recorded hereinabove, it is clear that the lands of the petitioners were notified for acquisition under Section 10 of the Regulation, 1947 on 24.05.2022. It is also an admitted position that the reassessment was directed on 13.08.2022. It is also admitted that the reassessment report was submitted on 27.10.2022 and the reason for the rejection of the claim of the petitioners is that they had made construction in violation of the Deputy Commissioner Order dated 29.03.2021.
13. Admittedly, the notice dated 29.03.2021 was issued on the request of the Commanding Officer, BRO and not for any other reason. On the said date, the land acquisition process was not even initiated and it was initiated only on 24.05.2022. Therefore, the land of the parties shall vest on the State on the date of such notification dated 24.05.2022 and not on 29.03.2021, when the notice was issued inasmuch as such notice was not issued in exercise of any statutory power under Regulation, 1947. There is no doubt that the respondent Deputy Commissioner, in the exigencies of administration, can pass such a restrained order in a given case, when he is authorised under law to do so. However, the State respondents have failed to bring to the notice of this Court any such provision of law or executive instruction empowering the Deputy Commissioner to pass such a restraint order in connection with the process of land acquisition under the Regulation, 1947. Therefore, in the absence of any such authority under law, in the considered opinion of this court, the right of a person under Article 300A cannot be taken away by the instrumentalities of the State without due process of law. The notice dated 29.03.2021, in the considered opinion of this court, cannot be treated to be due process of law for purpose of land acquisition, in the given fact of the present case, more so, when such decision was based on a request on an authority who

is not having any sanction and authority under Regulation 1947 having binding command over the Deputy Commissioner. Therefore, such notice cannot deprive the land owners of its legal right to claim compensation based on Regulation, 1947, which was issued on 24.05.2022.

14. The petitioners might not have a right to start construction or to continue with construction, after the notice under Section 10 of the Regulation, 1947 was issued. Therefore, the respondent State may refuse them compensation against those properties constructed on or after 24.05.2022. However, that is not the case herein and admittedly the petitioners were placed in the List 2 and List 3 (lists of rejected claims) only on the ground of under construction houses after 29.03.2021. Therefore, in the considered opinion of this court, such rejection is not sustainable in law. The notice dated 29.03.2021 or any other similar notice, cannot have any nexus with the Land acquisition process initiated by the State under Regulation, 1947 on 24.05.2022. What is relevant for determination of compensation is the Office Memorandum dated 03.06.2021, which specifies the parameters for assessing reasonable compensation as recorded hereinabove.
15. That being the position, this court is having no hesitation to hold that the impugned reject list Nos. 2 and 3, so far relating to the petitioners are concerned are not sustainable under law. Accordingly, the same stands set aside so far same relates to the petitioners.
16. This Court is also having no hesitation, for the reasons recorded hereinabove, that assessment of the petitioners property needs to be made and compensation is required to be paid on the properties, which were acquired/damaged/would be damaged in pursuance of notice dated 24.05.2022, on which date notice under Section 10 of the Regulation, 1947 was issued and the assessment is to be made in terms of OM dated

03.06.2021.

17. Accordingly, it is directed that the petitioners be paid compensation in terms of the reassessment made/to be made in terms of Office Memorandum dated 03.06.2021. Such payment be made within 8 weeks from the date on which a certified copy of this order is submitted before the Deputy Commissioner, Shi-Yomi District by the petitioners. If such payment is not made within the said period, the same shall carry an interest @ 6% p.a. on the compensation assessed till its payment. With the determination made hereinabove, the writ petitions stands allowed to the extant as indicated hereinabove.
18. It is further made clear that till such payments are made, the possession of the petitioners shall not be disturbed.
19. While parting with the record, it is observed that the present order shall not debar the petitioner to claim compensation more than what has been assessed, however, such disputed determination be taken by the appropriate Civil/Referral Court.

JUDGE

Comparing Assistant