

GAHC040001422023



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

Case No. : WP(C)/51/2023

Dipok Modi
S/o Late Jokut Modi,
Resident of Napit Village, PO/PS Pasighat, East Siang, Arunachal Pradesh.
(7628059512)

VERSUS

THE STATE OF AP and 3 Ors.
Represented by the Chief Secretary, Govt. of Arunachal Pradesh, Itanagar.
2:The Commissioner/Secretary
Age: 0
Occupation :

3:The Deputy Commissioner
Age: 0
Occupation :

4:The Estate Officer
Age: 0
Occupation

Advocate for the Petitioner : Orin Modi

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 24.07.2024

Heard Mr. O. Modi, learned counsel for the petitioner. Also heard Ms. G. Ete, learned Addl. Senior Government Advocate representing the State respondents.

Ms. Ete, learned Addl. Senior Government Advocate in terms of the directions passed by this Court, vide the earlier orders in the present proceeding has received instructions and has placed the same before this Court. In terms of the instructions received by her, it is seen that the land as occupied by the petitioner herein, is required for public purpose and accordingly, the eviction proceeding against him was so initiated. It is further projected that the eviction proceedings having been so initiated, the application of the petitioner for allotment of the same very land in his name has been rendered infructuous.

As regards the query of this Court, whether any alternative plot of land in and around Pasighat town can be allotted to the petitioner herein, it has been brought to the record that at present, there is no government land available for such private allotment.

Posed with the said position, Mr. Modi, learned counsel for the petitioner submits that he has a right over the plot of land, which he has been occupying without any interference from the government authorities since long, and accordingly, he submits that he may be permitted to withdraw the present proceeding and agitate his grievance in the matter

before a competent Court of civil jurisdiction.

The said prayer of the learned counsel for the petitioner is not objected to by the learned counsel for the respondents.

In view of the above, the present writ petition is dismissed on withdrawal with a liberty granted to the petitioner herein, to approach the competent Court of civil jurisdiction within a period of 1(one) month from today.

Till the period of 1(one) month from today, the interim directions passed by this Court, vide the order dated 03.02.2023, shall stand extended.

It is provided that in the event, the petitioner fails to institute appropriate proceeding before the competent Court of civil jurisdiction, within the period of 1(one) month so granted, the interim directions so extended vide this order, shall stand vacated.

It is further provided that the interim order would be continuing, in the event, such proceeding is initiated by the petitioner herein before the competent Court of civil jurisdiction and it would be thereafter, superseded by such further order(s) by the learned Trial Court would be passing, basing on the application filed in the matter by the petitioner herein.

JUDGE

Comparing Assistant