

GAHC040001472023



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

Case No. : WA/2/2023

Nani Ribia
S/o Lt. Nani Pilya,
Vill Reru, PO/PS Ziro, District Lower Subansiri, Arunachal Pradesh.
Mobile No. 8414922126

VERSUS

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

3:The Deputy Commissioner
Age: 0
Occupation :

4:The Superintendent of Police
Age: 0
Occupation

Advocate for the Petitioner : Khoda Tari

Advocate for the Respondent : GA (AP)

BEFORE
HONBLE MR. JUSTICE MANASH RANJAN PATHAK
HONBLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 17-06-2024

(Budi Habung,J)

Heard Mr. K. Tari, learned counsel for the appellant. We have also heard Mr. D. Kamduk, learned Standing counsel, Land Management, Government of Arunachal Pradesh and Ms. R. Basar, learned Government Advocate for the State respondent No.3.

2. This writ appeal is preferred against the judgment and order dated 05.01.2023 passed by the learned Single Judge in W.P.(C) 425(AP)/2022 whereby, the said writ petition was dismissed amongst other on the ground that the claim of the writ petitioner that he was given assurance by the Deputy Commissioner (respondent No.3, Lower Subansiri district, Ziro and the Superintendent of Police, Ziro (respondent No.4) that he would be given alternative plot of land in lieu of his allotted land for construction of office building of the S.P.(Police) Lower Subansiri district Ziro cannot be enforced through a Court of law because neither the Deputy Commissioner nor the Superintendent of Police, Lower Subansiri district, Ziro is the competent authority to allot a land under the Rules, but it is only the State respondents which is competent and authorized to allot land as such, the petitioner has not made out any subsisting and legal rights for interfering under Article 226 of the Constitution of India. Being aggrieved, the appellant filed this appeal amongst others on the ground that: -

- (i) He was allotted plot of land at Hapoli in lieu of his land at Pare-Ami, Lower Subansiri district vide Memo

No.LRZ-73/98 (Vol-1) dated 01.12.2006;

- (ii) The said land was given to the respondent authorities for construction of the Superintendent of Police office on assurance given by the respondent authorities to allot him an alternative plot of land at Haboli.
- (iii) The Deputy Commissioner, Ziro is the recommending and final authority to issue land allotment order in the district.
- (iv) That though the land allotment of the appellant has not been cancelled but office building of the Superintendent of Police has already been constructed in the said plot allotted to the appellant.
- (v) That the appellant has submitted a representation for allotment of an alternative plot of land.

3. However, at this stage, the limited prayer of the learned counsel for the appellant is that since the representation submitted by the appellant before the Deputy Commissioner Lower Subabsiri district Ziro has not yet been disposed of, the appellant may be allowed to submit a fresh representation before the respondent No.1 for consideration and the respondent authorities may be directed to dispose of the said representation to be submitted by the appellant by taking into consideration that in lieu of his allotted plot of land, the Deputy Commissioner and the Superintendent of Lower Subansiri, Ziro earlier had assured the appellant to provide him with an alternative plot.

4. The learned counsel for the respondents has no objection if the said prayer made by the appellant is allowed with a direction to dispose of as per the

rule.

5. In view of the limited prayer made by the learned counsel for the petitioner and not been objected to by the respondents, however, without going into the merit of the case or interfering with the decision of the judgment passed by the learned Single Judge on W.P.(C) 425(AP)/2022, we are of the opinion that the present writ appeal can be disposed of by allowing the appellant to submit a fresh representation before the respondent No.1. putting forward his grievances; and on receipt of such representation from the appellant, the respondent authorities shall consider the same and dispose of as per the entitlement in accordance with Rules.

With the above, this writ appeal stands disposed of.

JUDGE

JUDGE

Comparing Assistant