

GAHC040002742019



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

Case No. : WP(C)/323/2019

Numishi Ngadong

W/o Late Rana Ngadong, R/o Medical Colony Tezu, PO Tezu, Lohit District, AP 2:
SHRI. MONOSS NGADONG

Age:

Occupation :

3: SHRI. AGREMSO NGADONG

Age:

Occupation

VERSUS

THE STATE OF A.P. AND 4 ORS.

REPRESENTED THROUGH CHIEF SECRETARY, GOVT. OF A.P. ITANAGAR
2: THE THE COMMISSIONER/ SECRETARY

Age: 0

Occupation :

3: THE DIRECTOR

Age: 0

Occupation :

4: THE DEPUTY COMMISSIONER

Age: 0

Occupation :

5: DR. SOTOTLUM NAYIL

Age: 0

Occupation

Advocate for the Petitioner : MrS Mow

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE S.K.MEDHI**

ORDER

29.01.2024

Heard Shri S. Mow, learned counsel for the petitioners. Also heard Shri I. Riram, learned Additional Senior Government Advocate, AP for the respondent nos. 1 and 4 as well as Shri D. Kamduk, learned Standing Counsel, Land Management Department for the respondent nos. 2 and 3 and Shri R. Saikia, learned counsel for the respondent nos. 5 to 7.

2. Considering the subject matter of dispute and as agreed to by the learned counsel for the parties, the instant writ petition is taken up for disposal at the admission stage.

3. The petitioners, who are 3 in numbers, were aggrieved by an order dated 05.10.2015 passed by a Committee headed by Extra Assistant Commissioner (EAC) as Members of Kebang. The said order was put to challenge by way of an appeal before the Appellate Authority, namely, the Deputy Commissioner, Anjaw under the provisions of Assam Frontier Regulation, 1945. The petitioners are aggrieved by the mode and manner by which the appeal has been disposed of. Apart from the fact that the appeal has been rejected, no reasons have been assigned for such rejection and the order also does not contain any relevant discussion.

4. The learned counsel appearing for the respondents have however submitted that though the rejection of the appeal does not appear to be

erroneous, it is the fact that the impugned order passed by the Appellate Authority is not an elaborate one. The order passed by the Appellate Authority on 02.11.2015 has been perused. Apart from the remark that "already decision upheld", there is no discussion of any nature. The order also does not reflect that the aggrieved parties and the stake holders were given a fair opportunity to place / defend their cases.

5. A Writ Court in exercise of powers under Article 226 of the Constitution of India is to look into the decision making process and in the instant case, the said process does not appear to have been done by considering the relevant factors and by making adequate discussions to the attending facts and circumstances and the order appears to be a cryptic one which is not in accordance with the law.

6. In view of the above, the instant writ petition is allowed by remanding the matter back to the Appellate Authority. The concerned parties herein are directed to approach the Deputy Commissioner, Anjaw, who is the Appellate Authority on or before 12.02.2024 and furnish a certified copy of this order. On receipt of the records and relevant documents, the Deputy Commissioner acting as the Appellate Authority is to take charge of the matter and fix a definite date to enable the concerned parties to appear and place their respective cases. The appeal may accordingly be disposed of expeditiously and preferably within a period of 2(two) months from the date of taking charge of the matter.

7. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant