



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

Case No. : WP(C)/101/2024

1. Shri Biki Langre S/o Late Biki Bath Aged about 45 years, a permanent resident of Nirjuli, PO & PS: Nirjuli District Papum Pare, Arunachal Pradesh.
- 2: Shri Tok Tabin Camdir S/o Tok Nipur Age about 47 years PO & PS: Lekhi District Papum Pare, Arunachal Pradesh.
- 3: Shri Tarh Karuah, S/o Tarh Hipik Age about 35 years PO & PS: Nirjuli District Papum Pare, Arunachal Pradesh.

VERSUS

The State of AP and 2 Ors
represented by the Secretary, General Administration, Govt of Arunachal Pradesh,
Itanagar

2:The Deputy Commissioner
Age: 0
Occupation :
Itanagar Capital Complex, Govt. of Arunachal Pradesh, Itanagar.

3:The Office of the Executive Magistrate cum Estate Officer
Age: 0
Occupation
Naharlagun Papum pare Arunachal Pradesh.

Advocate for the Petitioner : D Saikia, T. Pumbo, M Ete, I Rini

Advocate for the Respondent : GA (AP)

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

ORDER

Date : 07-03-2024

Heard Mr. D. Saikia, learned counsel for the petitioners. Also heard Ms. R. Basar, learned Government Advocate for the State respondents.

2. The petitioners have by way of instituting the present proceedings presented a challenge to an order dated 23.02.2024, passed by the Extra Assistant Commissioner-cum-Estate Officer, Naharlagun, under the Provisions of the Arunachal Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 2003 (hereinafter referred to as the Act of 2003).

3. The Estate Officer prior to issuance of the impugned order dated 23.02.2024 had issued a notice under the Provisions of Section 4 of the said Act of 2003 to the petitioners, herein, requiring them to remove the unauthorized constructions as made in the Primary Garbage Dumping Ground near Nyikum Niya Ground Nirjuli. Thereafter, the petitioners had appeared before the Estate Officer and have placed before him their stand in the matter. It is on consideration of the stand and upon hearing the petitioners that the impugned order dated 23.02.2024 came to be issued.

4. It is seen that Section 12 of the Act of 2003 provides for an appeal against the order of the Estate Officer and it is also provided therein, that the Appellate Authority has been conferred with the power to stay the operation of the order of the Estate Officer under challenge in the appeal after due consideration for such period and on such conditions as the Appellate Authority may so deem.

5. In view of the above position and as there is a provision for appeal against the order passed by the Estate Officer, under the Provisions of the Act of 2003, more particularly Section 12, thereof, this Court is not inclined to entertain the present petition. However, the petitioners are at liberty to prefer an appeal against the said order dated 23.02.2024 before the Appellate Authority by invoking the provisions of Section 12 of the Act of 2003 and in the event, such appeal is so filed, the same may be considered strictly in accordance with law.

6. With the above directions and observations, this writ petition stands disposed of.

JUDGE

Comparing Assistant