

GAHC040010962024



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

Case No. : CRP/11/2024

Taba Takar
Age: 39
Occupation :
Address: Son of Taba Teshi
resident of Model village
Naharlagun
PO and PS Naharlagun
Papumpare District
Arunachal Pradesh

VERSUS

Ligang Dumi
Age: 0
Occupation :
Address: Wife of Late Ligang Riko
resident of A Sector
Naharlagun
PO and PS Naharlagun
Papumpare District
Arunachal Pradesh

Advocate for : Orin Modi
Advocate for : Subu Tapin appearing for Ligang Dumi

With

Case No. : CRP/26/2024

1. Smti Yomter Geyi and Anr

Age: 40
Occupation :
Address:Wife of Shri Minli Geyi
a permanent resident of Village Liru
PO and PS Likabali
Lower Siang District
Arunachal Pradesh and presently residing at Barapani
PO and PS Naharlagun
Papumpare District
Arunachal Pradesh

2: Karba Ngomdir
Age: 30
Occupation :
Address:Son of Shri Jumkar Ngomdir
a permanent resident of Village Beye
PO and PS Aalo
West Siang District
Arunachal Pradesh and presently residing at TN Apartment near Nyokum Lapang
Ground
PO and PS Itanagar
Papumpare District
Arunachal Pradesh

VERSUS

1:Smti Ligang Dumi and 2 Ors
Age: 0
Occupation :
Address:Wife of Late Mudang Riko
a resident of A Sector Naharlagun
PO and PS Naharlagun
Papumpare District
Arunachal Pradesh

2:Taba Takar
Age: 0
Occupation :
Address:Son of Shri Taba Tesi
a permanent resident of Model Village
PO and PS Naharlagun
Papumpare District
Arunachal Pradesh

3:Smti Taba Rinya
Age: 0
Occupation :

Address:Wife of Shri Taba Takar
a permanent resident of Model Village
PO and PS Naharlagun
Papumpare District
Arunachal Pradesh

Advocate for : Kemo Lollen
Advocate for : Subu Tapin appearing for Smti Ligang Dumi and 2 Ors.

**BEFORE
HONBLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 02-09-2024

This is a common order for these 2(two) items.

Heard Mr. O. Modi, learned counsel for the petitioner in CRP 11 (AP)/2024 and Mr. K. Lollen, learned counsel for the petitioner in CRP 26 (AP)/2024. Also heard Mr. S. Tapin, learned counsel for the respondent.

The Head Goan Burah of Model Village, Naharlagun had issued noticed to the petitioners in respect of Mel. The petitioners had received the notice and had attended the Mel on one occasion and subsequently, on the next Mel they did not appeared, therefore ex-parte judgment were passed against the petitioner.

Learned counsel for the petitioner has pointed out that provision of Section 44(4) of the Assam Frontier (Administration of

Justice) Regulation (Amendment) Act, 2023 has no provision for passing an ex-parte order. The learned counsel has further pointed out that according to the Assam Frontier (Administration of Justice) Regulation (Amendment) Act, 2023, it has been mandated that before passing an ex-parte order, 3(three) consecutive adjournment should be granted.

The learned counsel for the respondent has also agreed to that provision of law.

After hearing the learned counsel for both the sides, this Court is of the opinion that the petitioners deserve to given an opportunity of contesting before the Head Goan Burah. Therefore, the impugned ex-parte orders dated 18.07.2023, passed by the Head Goan Burah, Model Village, Naharlagun, Arunachal Pradesh are set aside. The case is remanded to the village Goan Burah for deciding afresh after hearing both the sides.

It is further directed that parties to the dispute before the village Goan Burah shall maintain status quo in respect of the suit land. It is also clarified that no construction works should be done and no third party right shall be created in respect of the said suit land without the permission of the village Goah Burah. It is further directed that the village Goah Burah shall decide the matter within a period of 3(three) months from receipt of certified copy of this order.

With the aforesaid direction, both the Civil Revision Petition is disposed of.

JUDGE

Comparing Assistant