

GAHC040004702023



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

Case No. : CRP/16/2023

Nyabi Jini Dirchi
W/o Shri Ikar Dirchi,
Village Pajo, PO/PS Basar, District Leparada, Arunachal Pradesh.

VERSUS

Henken Basar and 2 Ors.
HGB cum GBWS President, Leparada District, Village Soi, PO/PS Basar, District
Leparada, Arunachal Pradesh.

2:Iken Basar
Age: 0
Occupation :

3:Toni Basar
Age: 0
Occupation

Advocate for the Petitioner : T T Tara

Advocate for the Respondent : Rajesh Sonar

**BEFORE
HONBLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 05.01.2024

Heard Mr. T. Kamchi, learned counsel for the petitioner. Also heard Mr. B. Nyaruce, learned counsel appearing for all the respondents.

2. By filing this application, the petitioner has challenged the *Porwana* (Notice) dated 27.03.2023, passed by the Head Gaon Burah-Cum-GBWS President Leparada District, Arunachal Pradesh, whereby, the Keba has been constituted and the parties were directed to appear before the said Keba with their respective witnesses and evidence consequent to the complaint filed by one Shri Iken Basar, Shri Toni Basar and all the youths of Gori village against the petitioner.

3. The primary contention of the petitioner is that the Head Gaon Burah who has issued the impugned *Porwana* (Notice) on 27.03.2023 has no jurisdiction to issue such *Porwana* as he is the Head Gaon Burah of Soi village and the President of Gaon Burah Welfare Society, Leparada, whereas, the complaint is by the respondents and others from Gori village having separate Head Gaon Burah for the said Gori village. Therefore, the *Porwana* (Notice) issued by the Head Gaon Burah is without jurisdiction and be set aside and quashed.

4. Mr. B. Nyaruce, learned counsel appearing for the respondents fairly submits that since the complainants are from Gori village the jurisdiction lies with the Head Gaon Burah of Gori village and not Soi village. Admittedly the

Head Gaon Burah who had issued the impugned *Porwana* is from Soi village. Therefore, he fairly conceded that the Head Gaon Burah of Soi village has no jurisdiction to issue such *Porwana* by constituting the Keba for settlement of the disputes in respect of the Gori village.

5. Having considered the submissions of the learned counsel for the parties and on perusal of the impugned *Porwana*, I find that the impugned *Porwana* (Notice) dated 27.03.2023 has been issued by the Head Gaon Burah of Soi village and the dispute sought to be settled is in respect of Gori village which appears to have been issued without jurisdiction.

6. Thus, the impugned *Porwana* (Notice) dated 27.03.2023 is not sustainable being without jurisdiction. Accordingly, on consensus the impugned *Porwana* (Notice) dated 27.03.2023 is hereby set aside and quashed. However, the parties are at liberty to approach the Jurisdictional Head Gaon Burah for settlement of disputes.

7. With the above direction, this Civil Revision Petition stands disposed of.

JUDGE

Comparing Assistant