

GAHC040005152023



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

Case No. : CRP/17/2023

Ninnong Ratan and 3 Ors.
Son of Shri Martin Ratan,
Permanent Resident of Mebo Village, PO/PS Mebo, East Siang District, Arunachal Pradesh, PIN 791104
Mobile No. 8787490025
email ninnongratan@yahoo.com 2: Ganno Lenjing Ratan
Age:
Occupation :
Son of Shri Manong Ratan

Permanent Resident of Seram Village
PO/PS Mebo
East Siang District
Arunachal Pradesh
PIN 791104

3: Talut Doso @ Talut Panggam
Age:
Occupation :
S/o Mepok Doso

Permanent Resident of Kiyit Village
PO/PS Mebo
East Siang District
Arunachal Pradesh
PIN 791104

4: Olom Doso @ Lom Panggam
Age:
Occupation :
S/o Shri Talut Doso

Permanent Resident of Kiyit Village

PO/PS Mebo
East Siang District
Arunachal Pradesh. PIN 79110

VERSUS

Obi Pertin and Anr.
President, Original Banguk Miku,
Resident of Sigar Village, PO/PS Mebo, East Siang District, Arunachal Pradesh, PIN
791104 2:Kari Borang
Age: 0
Occupation :
Secretary General

Original Banguk Miku

Resident of Motum Village
PO/PS Mebo
East Siang District
Arunachal Pradesh
PIN 79110

Advocate for the Petitioner : Dicky Panging, D Tamuk, Tamo Taggu, Jumge Karbak, Jartum Gadi, K Loya

Advocate for the Respondent : 1 U Bori, T Lamgu

-BEFORE-

HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

-O R D E R-

25.10.2024

1. Heard Mr. D. Panging, learned counsel for the petitioners. None appears for the respondents to contest the matter though their names are shown in the cause list.
2. By an order dated 12.04.2023 passed by the Gao Burah of Seram Village, it was held that Banguk village came into existence on being permitted to be

settled by forefathers of Silluk village and the land owners of Banguk village were to construct a traditional community hall over the disputed plot of land and also to perform traditional rituals for the land. The vendor of the present petitioner, namely, Olom Doso was imposed with a fine of Rs. 2500/- for not attending the Kebang.

3. The case of the petitioner is that the said Olom Doso sold his land to the petitioner and it is the same land over which the Kebang has directed to facilitate construction of the traditional community hall. It is also the case of the petitioner that the dispute as regards claim of the petitioner over the said land is already pending for adjudication before the competent civil court in a suit filed by the present petitioner being TS 8/2023.
4. In the aforesaid backdrop, Mr. D. Panging, learned counsel for the petitioner contends that the suit was registered on 06.04.2023 and the Kebang decision was passed on 12.04.2023 and therefore Kebang decision cannot be implemented nor the Kebang was within its jurisdiction to entertain such a claim when a civil suit was pending.
5. Record reveals that the TS 8/2023 was filed by the present petitioner against the respondent including the said Olom Doso i.e. the vendor of the petitioner, who was imposed with cost by the Kebang. The aforesaid suit was for declaration of right, title and interest with consequential relief of permanent injunction over the suit land, which was also the subject matter of the Kebang decision.
6. To be precise, the subject matter of the TS 8/2023 is a suit for declaration for right, title and interest over a plot of land measuring approximately 1248 acres located in Banguk area. It is also seen that the lands are similar and the Kebang decided that said land is a community land and therefore, the Kebang

has declared that the traditional community hall be constructed over this land. However, at the same time, the right, title and interest in the subject matter of a competent civil court.

7. In the aforesaid backdrop, in the considered opinion of this court the civil suit is required to be proceeded being initiated at the earlier point of time inasmuch as both are allowed to be proceeded, there may be overlapping of jurisdiction and may be conflicting decision.
8. In view of the aforesaid, it is provided that the impugned order dated 12.04.2023 passed by the Kebang of GB Seram shall not be implemented till final decision that may be made in the civil suit and same shall be subject to decision of the Civil Court, the title suit being instituted at an early point of time.
9. While parting with the record it is made clear that this court has not commented on the merit of the claim of the petitioner, of the defendants in the TS No. 8/2023 or the decision of the Kebang dated 12.04.2023.
10. Accordingly, the present civil revision petition stands allowed in the aforesaid terms. Interim order, if any, stands vacated.

JUDGE

Comparing Assistant