

GAHC040008892023



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

Case No. : IA(C)/77/2024

Dorjee Tsering and 9 Ors
Age: 61
Occupation :
Address: Son of Lt. Kersang Tsering
Permanent Resident of Village Bumteng
PO Lemberdung
PS Tawang
District Tawang
Arunachal Pradesh.
2: Lham Goley
Age: 61
Occupation :
Address: Son of Lt. Leki Wangchu

Permanent Resident of Village Khartoth
PO/PS Tawang
District Tawang
Arunachal Pradesh.

3: Sang Tashi
Age: 55
Occupation :
Address: Son of Lt. Sonam Tsering

Permanent Resident of Village Yubu
PO Bomdir Supply
PS Tawang
District Tawang

Arunachal Pradesh.

4: Dorjee Tsering

Age: 35

Occupation :

Address:Son of Lt. Sangey Wangchu

Permanent Resident of Village Audung

PO Kitpi PS Tawang

District Tawang

Arunachal Pradesh.

5: Genden Dorjee

Age: 60

Occupation :

Address:S/o Lt. Jambey Yeshi

Permanent Resident of Village Baikhar

PO Kitpi

PS Tawang

District Tawang

Arunachal Pradesh.

6: Lobsang Norbu

Age: 71

Occupation :

Address:Son of Lt. Sang Dakpa

Permanent Resident of Village Jamkhar

PO Kitpi

PS Tawang

District Tawang

Arunachal Pradesh.

7: Yeshi Tsering

Age: 46

Occupation :

Address:Son of Lt. Lama Na

Permanent Resident of Village Shernup

PO Kitpi

PS Tawang

District Tawang

Arunachal Pradesh.

8: Sangey Lungten
Age: 37
Occupation :
Address:S/o Lt. Sang Tsewang

Permanent Resident of Village Khardung
PO Kitpi
PS Tawang
District Tawang
Arunachal Pradesh.

9: Koncho Dorjee
Age: 36
Occupation :
Address:S/o Lt. Khandu Tsering

Permanent Resident of Village Khartoth
PO/PS Tawang
District Tawang
Arunachal Pradesh.

10: Rinchin Tsering
Age: 36
Occupation :
Address:S/o Sang Phuntso

Permanent Resident of Village Shernup
PO Kitpi
PS Tawang
District Tawang
Arunachal Pradesh.
VERSUS

The Union of India and 8 Ors
Age: 0
Occupation :
Address:Represented by the Secretary
Ministry of Defence
Sena Bhavan
Govt. of India
New Delhi 110011
2:The Secretary
Age: 0

Occupation :
Address:Ministry of Home Affairs
Govt. of India
North Block
Cabinet Secretariat
Raisina Hill
New Delhi 110001

3:the Directorate General
Age: 0

Occupation :
Address:Defence Estates
Raksha Sampada Bhawan
Ulaanbaatar Marg
Delhi Cantt 110010

4:The Director
Age: 0

Occupation :
Address:Intelligence Bureau
35 Sadar Patel Marg
New Delhi 110021

5:The Defence Estate Officer
Age: 0

Occupation :
Address:Cole Park Road
Tezpur
PO/PS Tezpur
District Sonitpur
Assam 784001

6:The Assistant Director
Age: 0

Occupation :
Address:Subsidiary Intelligence Bureau (SIB)
Ministry of Home Affairs
Station Tawang
PO/PS Tawang
Arunachal Pradesh 790104

7:THE STATE OF AP
Age: 0

Occupation :

Address: Represented by the Commissioner/Secretary
Land Management
Govt. of Arunachal Pradesh
Office at Civil Secretariat
District Papum Pare
Arunachal Pradesh
Itanagar 791111

8: The Director
Age: 0
Occupation :
Address: Land Management
Govt. of Arunachal Pradesh
District Papum Pare
Arunachal Pradesh
Itanagar 791111

9: The Deputy Commissioner
Age: 0
Occupation :
Address: Tawang
District Tawang
PO Tawang
Arunachal Pradesh
790104

Advocate for : Binter Picha
Advocate for : Marto Kato appearing for The Union of India and 8 Ors:

BEFORE
HONBLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 13.05.2024

Heard Mr. B. Picha, learned counsel for the applicants. Also Heard Mr. M. Kato, learned DSGI for the respondent Nos. 1 to 6; Mr. D. Kamduk, learned Standing Counsel, Land Management Department, for the respondent Nos. 7 & 8 and Mr. I. Riram, learned counsel for the respondent No. 9.

2. This is an application filed under Order I Rule 10 of Civil Procedure Code, 1908, praying to implead the names mention herein below:-

(i) The General Officer in Command-5 Mountain Brigade Division, Indian Army, C/O- 99APO, Station Headquarter Tenga, P/O- Tenga, District West Kameng, Arunachal Pradesh- 790001, as the respondent No. 10.

(ii) The Commander, 190 Mountain Brigade, Indian Army, C/O- 99APO, Station Headquarter Tawang, P/O- P/S- Tawang, District Tawang, Arunachal Pradesh- 790104, as the respondent No. 11.

(iii) The Administrative Commander, 190 Mountain Brigade, Indian Army, C/O- 99APO, Station Headquarter Tawang, P/O-P/S- Tawang, District, Tawang, Arunachal Pradesh- 790104, as the respondent No. 12.

3. It is submitted by the learned counsel for the applicants, that they are the necessary parties, as the Station Head would be able to represent the Indian Army who are in possession of the community land of the applicants located at Nagulla, Y-Junction, Klemta, Khamakher, Assam Hill, Bakri Top and Bumla area of Tawang Division.

5. In this regard, the learned counsel for the respondents has no objection against the prayer made by the learned counsel for the applicants.

6. Considering the submissions made at the bar with circumspection, the Interlocutory Application stands allowed with a prayer to implead the necessary parties.

7. Accordingly, The General Officer, The Commander and The Administrative Commander are allowed to be impleaded as the respondent Nos. 10, 11 & 12, in the connected WP(C)/312(AP)/2023.

8. The learned counsel for the applicants to file their amended cause title.

The Interlocutory Applications stands disposed of in terms of above.

JUDGE

Comparing Assistant