

GAHC040006132024



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

**Case No. : WP(C)/189/2024**

Khach Bagang  
Son of Late Magam Bagang,  
resident of Lobi Village,  
PO and PS Itanagar,  
Papumpare District,  
Arunachal Pradesh

VERSUS

The State of AP and 3 Ors  
represented by the Chief Secretary,  
Govt of Arunachal Pradesh, Itanagar

2:The Deputy Chief Wildlife Warden  
Age: 0  
Occupation :

3:The Range Forest Officer  
Age: 0  
Occupation :

4:Teh Range Forest Officer  
Age: 0  
Occupation

**Advocate for the Petitioner** : Uttam Deka

**Advocate for the Respondent** : GA (AP)

**BEFORE**  
**HON'BLE MR. JUSTICE KARDAK ETE**  
O R D E R

14.05.2024.

Heard Mr. C. Modi, learned counsel for the petitioner. Also heard Ms. G. Ete, learned Addl. Senior Government Advocate, Arunachal Pradesh appearing for all the respondents.

Considering the nature of the prayer made by the petitioner, this Writ Petition is taken up for disposal at the motion stage itself.

By filing this Writ Petition, the petitioner has sought for a direction to the respondent No.2 to dispose of the representation of the petitioner dated 24.02.2024, based on equity, justice and good conscience.

The case projected by the petitioner is to the effect that the petitioner had occupied a plot of land in the year 2005. In the year 2021, a dispute has arisen over the title of the land with the adjacent land owners. In the meantime, the Forest Department had issued an eviction notice to the petitioner which was put to challenge in this Court which was registered and numbered as WP(C) No.107/2021. The said Writ Petition was dismissed by this Court vide order dated 21.04.2022, as the land which the petitioner has occupied falls within the Itanagar Wildlife Sanctuary. The petitioner had not pursued the matter any further.

The writ petitioner contended that while the matter was rested on that, the respondent authority has allowed some illegal occupants in the said Itanagar Wildlife Sanctuary to continue their occupation, whereas the petitioner

has been evicted from the said land.

Mr. C. Modi, learned counsel for the petitioner submits that some illegal occupants have been allowed to continue to occupy their land, whose land also falls under the Itanagar Wildlife Sanctuary, while evicted the petitioner. The petitioner has filed a representation on 24.02.2024. However, neither the authority has taken any action on the representation filed by the petitioner nor evicting the illegal occupants.

Ms. G. Ete, learned Addl. Senior Government Advocate, Arunachal Pradesh, submits that the dispute regarding the land in question has been settled against the petitioner, in view of the order dated 21.04.2022, passed in WP(C) No.107/2021, as the land falls under the Itanagar Wildlife Sanctuary. The petitioner not having taken further course of action, he cannot agitate the same by filing the present Writ Petition.

Uncontrovertibly, the land occupied by the petitioner falls under the Itanagar Wildlife Sanctuary and the petitioner has already been evicted. The claim of the Writ Petitioner has been considered in the earlier round of Writ Proceeding in WP(C) No.107/2021, wherein this Court vide order dated 21.04.2022, had dismissed the Writ Petition.

Having considered the submissions of the learned counsel for the petitioner to the effect that some other persons who are illegally occupying the land within the Itanagar Wildlife Sanctuary have not been evicted, therefore, the petitioner has also the right to occupy the same if the other illegal occupants are not evicted, in my view, such claim amounts to claiming negative equality, which is not permissible under the law.

It is well settled that no one can claim negative equality, as there is no

concept of negative equality under the law. In view of above, this Court is of the firm view that the petitioner has miserably failed to establish any right. Thus, the prayer made in this Writ Petition is rejected.

In view of above, the Writ Petition stands dismissed and disposed.

JUDGE

**Comparing Assistant**