

GAHC040006252024



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

Case No. : IA(C)/82/2024

Shri Jambey Tsering
S/o late Lama Dorjee,
resident of Gyangkhar Village,
P.O Lemberdung and
P.S Tawang District,
Arunachal Pradesh.
Mobile No. 9362555936

VERSUS

The State of AP and 2 Others
represented by the Secretary,
Department of Land Management,
Government of Arunachal Pradesh,
Itanagar.

2:The Deputy Commisisoner
Age: 0
Occupation :
Address:Govt of Arunachal Pradesh
Zhitro Tse
Tawang District
Arunachal Pradesh

3:The Additional Deputy Commissioner cum Estate Officer
Age: 0
Occupation :
Address:Govt of Arunachal Pradesh
Zhitro Tse
Tawang District
Arunachal Prades

Advocate for the Petitioner : G Taloh

Advocate for the Respondent : GA (AP)

Linked Case : WP(C)/188/2024

Jambey Tsering
Age: 37
Occupation :
Address: Son of Late Lama Dorjee
a resident of Gyangkhar Village
PO Lemberdung PS and District Tawang
Arunachal Pradesh

VERSUS

The State of AP and 2 Ors
Age: 0
Occupation :
Address: represented by the Secretary
Department of Land Management
Govt of Arunachal Pradesh
Itanagar

2: The Deputy Commissioner
Age: 0
Occupation :
Address: Govt of Arunachal Pradesh
Zhitro Tse
Tawang District
Arunachal Pradesh

3: The Additional Deputy Commissioner cum Estate Officer
Age: 0
Occupation :
Address: Govt of Arunachal Pradesh
Zhitro Tse
Tawang District
Arunachal Pradesh

Advocate for : Gallen Taloh
Advocate for : GA (AP) appearing for The State of AP and 2 Ors: Advocate ,
appearing for 2, 3, respectively.

**BEFORE
HONBLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 16-05-2024

Heard Mr. D. Mazumdar, learned Senior counsel assisted by Mr. S. Biswas, learned counsel for the applicant/petitioner and also heard Ms. G. Ete, learned Additional Senior Government Advocate for the State respondents.

2. By filing this application, the applicant/petitioner has sought for suspension of the notice No. TLR-07/2018(Part-D)/5410-16 dated 11.10.2023, No. TLR-07/2018(Part-D) dated 20.11.2023 & No. TLR-68/2019(VOL-I)/590-95 dated 07.05.2024 issued by the respondent no. 3, which is annexed in the connected writ petition No. 188/2024.

3. The contention of the learned Senior counsel for the applicant is that this Court on 13.05.2024 passed an interim order whereby the petitioner has been allowed to continue with the construction of the retaining wall only to prevent the structure from collapsing. According to him, inadvertently, the interim prayer for suspension of notices though were prayed could not be considered. He submits that unless the impugned notices are suspended, the respondent authority may implement the impugned notices by evicting the petitioner, which would deprive his right and the writ petition would be rendered infructuous. Therefore, he prays for suspension of the impugned orders as referred to above.

4. Ms. G. Ete, learned Additional Senior Government Advocate submits that after considering the entire matter, this Court had passed the interim order on 13.05.2024 directing the petitioner to continue the construction of retaining wall to avoid collapse of the structure on the land. Therefore, she submits that the prayer for stay of the operation of the impugned notices, in essence, deemed to have been rejected.

5. Having considered the submissions of the learned counsel for the parties and considering the facts and circumstances in the present case, in the interim, it is provided that the parties to maintain *status quo* as on today.

6. The interlocutory application stands disposed of.

JUDGE

Comparing Assistant