

GAHC040007502024



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

Case No. : CRP/22/2024

Kaling Borang
Son of Kalom Borang, representing Mebo Village, President Mebo Dolung/ Village
Youth Kebang, Mebo village, East Siang District, Arunachal Pradesh

VERSUS

Anong Tayeng
Son of Shri Monak Tayeng, president of Member of Moruk Rikyu Mebo, PO and PS
Mebo, East Siang District, Arunachal Pradesh

Advocate for the Petitioner : Toktem Tayeng, Marge D

Advocate for the Respondent : T T Tara, Kirmani Lollen, Terji Kamchi, Taba Tokur, Khoda Apa, S
Taye, Gamken Bam

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

24.10.2024

1. Heard Mr. T. Tayeng, learned counsel for the petitioner. Also heard Mr. G. Bam, learned counsel for the respondent.
2. This revision petition is preferred assailing the orders dated 31.05.2024 and 11.06.2024, passed by the Additional Deputy Commissioner, East Siang District, Mebo, whereby, the Execution Order dated 29.02.2024, has been

kept in abeyance till the disposal of the appeal preferred by the respondent.

3. The dispute involved between the petitioner and the respondent is to the effect that the petitioner claims that the Mebo villagers are having possession over the disputed land and also claims the same to be a community land. It is their case that saw mills were established in the aforesaid community land of Mebo village, however, some people who are not resident of Mebo village, started claiming and making dwelling houses over the land. Accordingly, a Kebang was conducted on 20.10.2011 as regards illegal settlement and the Kebang decided in favour of the petitioner. It is the further case of the petitioner that the respondent formed a group known as Moruk-Rikyu claiming to be representative of the Mebo village and started encroaching the community land. Therefore, subsequently, in continuation of Kebang held on 20.10.2011 and 30.07.2014, another kebang was held on 23.10.2023 against the Gaon Burah of Mebo village and accordingly, an execution petition was filed on 05.12.2023 before the Court of Additional Deputy Commissioner, Mebo, and the Additional Deputy Commissioner, Mebo by an order dated 29.02.2023 directed the Gaon Burah of Mebo village to comply with the Kebang decision dated 20.10.2023 and deliver the possession of the Moruk area located at Mebo village to the Mebo Dolung/village Kebang.
4. However, the respondent filed a petition/counterclaim before the Additional Deputy Commissioner, Mebo against the execution order dated 29.02.2024 by claiming right and accordingly, the Additional Deputy Commissioner, Mebo passed the impugned order dated 29.02.2024 keeping in abeyance its earlier order and fixed the matter for hearing on 11.06.2024 and subsequently, such interim order was directed to be continued till

disposal of the claim filed by the respondent.

5. The learned counsel for the respondent submits that as the matter is being adjudicated by the Additional Deputy Commissioner, Mebo on the claim filed by the respondent, therefore, the said Additional Deputy Commissioner has rightly kept its earlier order in abeyance inasmuch as if such order is not passed then the entire claim of the respondent shall become infructuous.
6. This Court is also of the opinion that by the impugned order, the Additional Deputy Commissioner has not decided any right or claim of the contesting parties, rather it has decided to consider the claim of the respondent and fixed the matter for hearing and it cannot be said to be an illegal order in the given facts of the present case, more particularly, when the Additional Deputy Commissioner has decided to hear the claims of the contesting parties and the impugned order is an order to protect the right of the parties during the pendency of the hearing.
7. At this stage, learned counsel for the petitioner also submits that the matter may be relegated to the Additional Deputy Commissioner, Mebo and direction may be issued to the Additional Deputy Commissioner to dispose of the matter at the earliest by giving reasonable opportunity of hearing to both the parties.
8. Without entering into the merit of the claim and counterclaims of the parties, in the considered opinion of this Court, the dispute should be relegated to the Additional Deputy Commissioner for decision. Accordingly, this revision petition stands closed without interfering with the impugned order and it is provided that the parties shall appear before the Additional

Deputy Commissioner, Mebo on 13.11.2024 and thereafter, Additional Deputy Commissioner, Mebo shall fix a date for hearing of the matter and decide the matter as expeditiously as possible.

9. With the aforesaid, this revision petition stands closed.

JUDGE

Comparing Assistant