

GAHC040007592023



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

Case No. : WP(C)/269/2023

Pandan Tsering and 18 Ors.

S/o Lt. Thutan Dorjee, Village Sakyur, PO/PS Lumla, District, Tawang, Arunachal Pradesh 2: Tsewang Tenzin

Age:

Occupation :

3: Tsering Wanchu

Age:

Occupation :

4: Lham Gyatsok

Age:

Occupation :

5: Norbu Rapgey

Age:

Occupation :

6: Tenzin Wangchak

Age:

Occupation :

7: Choebay Raptan

Age:

Occupation :

8: Sonam Jekme

Age:
Occupation :

9: Jambey Tashi

Age:
Occupation :

10: Thinley Zangmu

Age:
Occupation :

11: Dorjee Drema

Age:
Occupation :

12: Sonam Dorgey

Age:
Occupation :

13: Pema Khandu

Age:
Occupation :

14: Phurpa Rinchen

Age:
Occupation :

15: Tashi Pema

Age:
Occupation :

16: Rinchen Tsomu

Age:
Occupation :

17: Tsering Norbu

Age:
Occupation :

18: Ganden Chotten

Age:

Occupation :

19: Kuncho Tsomu

Age:

Occupation

VERSUS

THE STATE OF AP and 49 Ors.

Represented by the Secretary (Land Management), Govt. of Arunachal Pradesh,
Itanagar. 2:the Director (Land Management)

Age: 0

Occupation :

3:the Deputy Commissioner

Age: 0

Occupation :

4:the Additional Deputy Commissioner

Age: 0

Occupation :

5:VKV

Age: 0

Occupation :

6:the Assistant Engineer

Age: 0

Occupation :

7:M/s Global Royal Construction

Age: 0

Occupation :

8:Kesang Tashi

Age: 0

Occupation :

9:Thutan Choibey

Age: 49

Occupation :

10:Gentse Thinley

Age: 33

Occupation :

11:Lobsany Tsetan

Age: 55

Occupation :

12:Gom Norbu

Age: 0

Occupation :

13:Rinchin Gyatso

Age: 0

Occupation :

14:Lham Wangdi

Age: 0

Occupation :

15:Lham Norbu

Age: 0

Occupation :

16:Sonam Tharchin

Age: 0

Occupation :

17:Kessang Doldon Damo

Age: 0

Occupation :

18:Kunjang Tsomu

Age: 0

Occupation :

19:Lham Drema

Age: 0

Occupation :

20:Koncho Lham

Age: 0

Occupation :

21:Gom Drema

Age: 0

Occupation :

22:Sangey Tsomu

Age: 0

Occupation :

23:Nima Dorjee

Age: 0

Occupation :

24:Jamba Tsomu

Age: 0

Occupation :

25:Smti Norbu Drema

Age: 0

Occupation :

26:Smti Tsering Droma

Age: 0

Occupation :

27:Smti Sonam Yeton

Age: 0

Occupation :

28:Shri Sonam Paton

Age: 0

Occupation :

29:Smti Rinchin Drema

Age: 0

Occupation :

30:Smti Tsering Jangmu

Age: 0

Occupation :

31:Shri Rhetar Wangchu

Age: 0

Occupation :

32:Shri Tashi Tenzin

Age: 0

Occupation :

33:Shri Tsering Dorjee

Age: 0

Occupation :

34:Shri Sonam Namgey

Age: 0

Occupation :

35:Shri Dawa Tsering

Age: 0

Occupation :

36:Smti Thuten Pema

Age: 0

Occupation :

37:Smit Tsering Tsomu

Age: 0

Occupation :

38:Shri Leki Norbu

Age: 0

Occupation :

39:Shri Tenzing Chorup

Age: 0

Occupation :

40:Shri Tenzing Dakpa

Age: 0

Occupation :

41:Smti Kesang Drema

Age: 0

Occupation :

42:Smti Dorjee Pema

Age: 0

Occupation :

43:Smti Sonam Wangmu

Age: 0

Occupation :

44:Shri Thutan Leki

Age: 0

Occupation :

45:Shri Pem Tashi

Age: 0

Occupation :

46:Shri Rinchin Tsering

Age: 0

Occupation :

47:Shri Tashi Wangdi

Age: 0
Occupation :

48:Smti Thutan Chokey
Age: 0
Occupation :

49:Shri Phurpa Tashi
Age: 0
Occupation :

50:Shri Lobsang Dargey
Age: 0
Occupation

Advocate for the Petitioner : T T Tara

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE S.K.MEDHI**

ORDER

29.01.2024

Heard Shri TT Tara, learned counsel for the petitioners. Also heard Shri N. Ratan, learned Addl. Advocate General, Arunachal Pradesh; Shri D. Kamduk, learned Standing Counsel, Land Management Department; Shri T. Omo, learned counsel for the respondent no. 5; Shri HK Jamoh, learned counsel for the respondent no. 7 and Shri RL Thungon, learned counsel for the respondent nos. 8 to 50.

2. Considering the subject matter as well as the development which have taken place and as agreed to by the learned counsel for the parties, the instant writ petition is taken up for disposal at the admission stage.

3. The petitioners, who are 19 in numbers, have approached this Court

challenging willingness / NOC dated 16.09.2021 and 18.09.2021 with regard to the acquisition of community land of the petitioners under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

4. Shri Tara, learned counsel for the petitioners, by referring to the communication dated 19.05.2023 which has been brought on records by the affidavit-in-opposition filed by the respondent nos. 3 and 4 has submitted that the petitioners could approach their respective Gaon Buras (GBs) with regard to the grievance relating to withdrawal their consent for donation of the land. In terms of the said communication, the petitioners had submitted an application dated 30.05.2023 to the respective Gaon Buras for withdrawal of their consent. This Court has been informed that the matter is under active consideration and the Gaon Buras are also vested with powers to deal with such powers.

5. In view of the aforesaid development, this Court is of the view that there is no requirement to keep this writ petition pending any further.

6. Accordingly, the writ petition is closed by directing the Gaon Buras to consider the representations of the petitioners and pass appropriate orders strictly in accordance with law and such disposal may be made expeditiously.

7. It is however observed that the parties would have liberty to agitate the outcome of such consideration, if so advised.

8. Order of *status-quo* dated 26.06.2023 stands vacated.

JUDGE

Comparing Assistant