



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

Case No. : WP(C)/257/2024

Sangley Gombu and 5 Ors
Son of Late Dorjee Norbu, permanent resident of Yewang Village, PO and PS Dirang,
West Kameng District, Arunachal Pradesh 790001

2: Norbu Tsering
Age:
Occupation :
Son of Late Rinchin Khandu
permanent resident of Yewang Village
PO and PS Dirang
West Kameng District
Arunachal Pradesh 790001

3: Pem Leto
Age:
Occupation :
Son of Late Pem Wangda
permanent resident of Yewang Village
PO and PS Dirang
West Kameng District
Arunachal Pradesh 790001

4: Pem Tsering
Age:
Occupation :
Son of Late Dorjee Khandu
permanent resident of Yewang Village
PO and PS Dirang
West Kameng District
Arunachal Pradesh 790001

5: Dorjee Khandu

Age:
Occupation :
Son of Late Kesang Namge
permanent resident of Yewang Village
PO and PS Dirang
West Kameng District
Arunachal Pradesh 790001

6: Sang Phunchu
Age:
Occupation :
Son of Late Pem Drakpa
permanent resident of Dirang Bazarline
PO and PS Dirang
West Kameng District
Arunachal Pradesh 79000

VERSUS

The Union of India and 11 Ors
represented by the Secretary, Ministry of Home Affairs, Govt of India, North Block,
Cabinet Secretariat, Raisina Hill, New Delhi 110001

2:The Director General
Age: 0
Occupation :
Govt of India
Ministry of Home Affairs
Sashastra Seema Bal
Force Head Quarter
East Block-V
RK Puram
New Delhi 110066

3:The Inspector General
Age: 0
Occupation :
Frontier Headquarter
Sashastra Seema Bal
Guwahati
Nikita Complex
345
GS Road
Guwahati
Assam 781002

4:The Inspector General

Age: 0

Occupation :

Frontier Headquarter

Sashastra Seema Bal

Tezpur

PO and PS Tezpur

District Sonitpur

Assam 784001

5:The Commandant

Age: 0

Occupation :

30th Battalion Sashastra Seema Bal

Station Dirang

PO and PS Dirang

West Kameng District

Arunachal Pradesh 790101

6:The Secretary

Age: 0

Occupation :

Ministry of Defence

Sena Bhavan

Govt of India

New Delhi 110011

7:The Defence Estate Officer

Age: 0

Occupation :

Cole Park Road

Tezpur

Sonitpur District

Assam 784001

8:The Executive Engineer

Age: 0

Occupation :

Tezpur

Central Division

Central Public Works Depart

Tezpur

9:The Commissioner/ Secretary

Age: 0

Occupation :
Land Management
Civil Secretariat
Itanagar
Govt of Arunachal Pradesh
Itanagar 791110

10:The Director of Land Management
Age: 0
Occupation :
Govt of Arunachal Pradesh
Itanagar

11:The Deputy Commissioner
Age: 0
Occupation :
Bomdila
West Kameng District
Arunachal Pradesh 790001

12:The Additional Deputy Commissioner
Age: 0
Occupation :
Dirang
West Kameng District
Arunachal Pradesh 79010

Advocate for the Petitioner : Ojing Pada

Advocate for the Respondent : R. H. Nabam, AAG; Marto Kato

BEFORE
HONBLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

Date : 27.06.2024

Heard Mr. O. Pada, learned counsel for the petitioners. Also heard Mr. R. H. Nabam, learned Additional Advocate General for the respondent

Nos. 11 & 12.

2. The Central Public Works Department (CPWD), the Government of India, Ministry of Housing and Urban Affairs on 11.06.2024 issued an E-Tender No. ID/77607 NIT/RFP No.03/TZCD/2024-25/Tezpur for construction of Boundary Wall, Guard Room, Sentry Post and Morcha at 30th Battalion Headquarters, Sashastra Seema Bal (SSB) at Dirang, Arunachal Pradesh under FTR, Headquarter, SSB Tezpur including internal Water Supply and Sanitary Installation and Internal Electrical Installation. 3 PM of 26.06.2024 was the last date and time for submission of the Bid documents.

3. The petitioners, herein, have challenged the said E-Tender dated 11.06.2024 issued by the CPWD for construction of boundary wall etc. at 30th Battalion Headquarters, SSB, Dirang, stating that after the Chinese aggression in the year 1960-62, their land at Dirang is under occupation of the Defence Department and presently, under SSB and that the respondent authorities in the Defence Department in the Union of India is in occupation of their said land, without paying them any due rent/compensation in violation of law and the provisions of the Article 300A of the Constitution of India. Hence, their objection is with regard to construction of any boundary wall over their land at Dirang, which is presently under occupation of SSB and for that reason, they have challenged the said NIT dated 11.06.2024 of the CPWD.

4. On being enquired, on behalf of the petitioner Mr. Pada submitted that presently with regard to the occupation of their land at Dirang by the SSB, which was initially taken over by Union of India for the Defence Department, is pending before this Court being WP(C) No. 411(AP)/2021 (*Sangley Gombu and 5 Ors. Vs. The Union of India and 9 Ors.*).

5. The Court also enquired from Mr. Pada, as to whether any order is in force, restraining the Defence Department of the Country and/or SSB from occupation of their alleged land at Dirang. It is stated before the Court that there is no such stay order or any other order restraining SSB or any other authority under the Defence Department of the country from occupation of the said land involved in WP(C) No. 411(AP)/2021.

6. Considering the above, this Court is not inclined to accept this writ petition, having no merit, in challenging the NIT dated 11.06.2024 issued by the CPWD vide E-Tender No. ID/77607 NIT/RFP No.03/TZCD/2024-25/Tezpur for construction of Boundary Wall, Guard Room, Sentry Post and Morcha at 30th Battalion Headquarters, SSB at Dirang, Arunachal Pradesh.

7. Needless to say, that the entitlement of due rent or any other compensation for their said land, allegedly under occupation of SSB at Dirang, Arunachal Pradesh, payable to the petitioners, if any, shall be subject to the outcome of said WP(C) No. 411(AP)/2021, preferred by the petitioners.

- 8.** The writ petition is accordingly, dismissed.

JUDGE

Comparing Assistant