



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

Case No. : WP(C)/260/2024

Tadak Siga
Son of Late Tadi Siga, resident of Ganga Market, Daporijo, PO and PS Daporijo,
Upper Subansiri District, Arunachal Pradesh

VERSUS

The State of AP and 5 Ors
represented through the Secretary Land Management, Govt of Arunachal Pradesh,
Itanagar

2:The Director of Land Management
Age: 0
Occupation :
Government of Arunachal Pradesh, Itanagar.

3:The Deputy Commissioner
Age: 0
Occupation :
Upper Subansiri District, Daporijo, Arunachal Pradesh.

4:The District Land Revenue and Settlement Officer
Age: 0
Occupation :
Upper Subansiri District, Arunachal Pradesh.

5:The Additional Deputy Commissioner cum Estate Officer
Age: 0
Occupation :

Daporijo, Upper Subansiri District, Arunachal Pradesh.

6:Tasap Kiolu

Age: 0

Occupation

S/o Late Tate Kiolu, R/o Ganga Market, Daporijo, P.O/P.S. Daporijo,
Upper Subansiri District, Arunachal Pradesh.

Advocate for the Petitioner : Khoda Tama

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 01-07-2024

Heard Mr. K. Tama, learned counsel for the petitioner. Also heard Ms. G. Ete, learned Additional Senior Government Advocate for the respondent Nos. 3, 4 & 5.

2. Considering the very limited grievance raised by the petitioner in this writ petition, the present petition is taken up for disposal at the motion stage as this Court considers that no prejudice would cause to the private respondent No. 6 in view of the order proposed to be passed (infra).

3. The petitioner, being aggrieved by the impugned order No.LM/DRJ-18/2013/213, dated 20.06.2024 passed by the Additional Deputy Commissioner-Cum-Estate Officer, Upper Subansiri District, Daporijo, whereby, it is found that the petitioner has encroached 8.00 Square Meters of land which belongs to the respondent no. 6 by constructing a Septic Tank and consequently the petitioner

has been directed for removal of the said encroached structure, has filed this present petition, particularly, on the ground that the Deputy Commissioner, who is the Appellate Authority, has already left the District and the Additional Deputy Commissioner, who has passed the impugned order is holding the charge.

4. Having considered that the petitioner has filed an appeal against the impugned order dated 20.06.2024, before the Appellate Authority, i.e. the Deputy Commissioner, Upper Subansiri District, Daporijo, which appears to be statutory appeal under the provision of *the Arunachal Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 2003* and also, considering that there is no Appellate Authority at present in the District to take up the appeal of the petitioner, without going into the merit of the impugned order as well as the claims of the parties, I deem it appropriate to close this writ petition with a direction to the Appellate Authority i.e. the Deputy Commissioner, Upper Subansiri District to consider and dispose of the appeal of the petitioner within a period of 1 (one) month from today.

5. It is provided that till the Appellate Authority takes up the appeal of the petitioner, no coercive action shall be taken against the petitioner and the parties to maintain *status quo* till the appeal is taken up by the Appellate Authority.

6. The writ petition stands disposed of.

JUDGE

Comparing Assistant