



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

Case No. : WP(C)/273/2024

Creasan Ritti and 9 Ors Son of Shri Bomsaiso Ritti,
a permanent resident of Village Rittiliang,
PO Hayuliang, PS Khupa, District Anjaw, Arunachal Pradesh

2: Sothailum Tabronyu

Age:

Occupation :

Son of Shri Sogin Tabronyu a permanent resident of Chaglongam Village
PO Hayuliang PS Khupa
Anjaw District Arunachal Pradesh

3: Sore Mepo

Age:

Occupation :

Son of Shri Atoso Mepo a permanent resident of Kongra Village
PO Hayuliang PS Khupa
Anjaw District Arunachal Pradesh

4: Nehuso Tabronyu

Age:

Occupation :

Son of Shri Presam Tabronyu a permanent resident of Khalega Metelangliang Village
PO Hayuliang PS Khupa
Anjaw District Arunachal Pradesh

5: Bafam Kri

Age:

Occupation :

Son of Shri Soting Kri a permanent resident of Danglat Village
PO Hayuliang PS Khupa
Anjaw District Arunachal Pradesh

6: Bihawaso Pul

Age:

Occupation :

Son of Shri Raritlum Pul a permanent resident of Sung Village

PO Hayuliang PS Khupa

Anjaw District Arunachal Pradesh

7: Jitenso Flakam

Age:

Occupation :

Son of Late Yitang Flakam a permanent resident of Taranpa Village

PO Hayuliang PS Khupa

Anjaw District Arunachal Pradesh

8: Bree Flakam

Age:

Occupation :

Son of Late Bafalam Flakam a permanent resident of Chakka Village

PO Hayuliang PS Khupa

Anjaw District Arunachal Pradesh

9: Relangso Chipui

Age:

Occupation :

Son of Shri Predeng Chipui a permanent resident of Chipuliang Village

PO Hayuliang PS Khupa

Anjaw District Arunachal Pradesh

10: Banjunsu Talyu

Age:

Occupation :

Son of Late L Talyu a permanent resident of Chipru Village

PO Hayuliang PS Khupa

Anjaw District Arunachal Pradesh

VERSUS

The Union of India and 9 Ors

represented by its Secretary, Ministry of Home Affairs, Govt of India

2:The Union of India

Age: 0

Occupation :

represented by Secretary Department of Border Management Govt of India

3:The State of AP

Age: 0

Occupation :

represented by Secretary (RWD) Govt of Arunachal Pradesh Itanagar

4:The Deputy Commissioner

Age: 0

Occupation :

Hawai Anjaw District Arunachal Pradesh

5:The Additional Deputy Commissioner

Age: 0

Occupation :

Hayuliang Anjaw District Arunachal Pradesh

6:The Chief Engineer

Age: 0

Occupation :

Rural Work Department PMGSY Itanagar Govt of Arunachal Pradesh

7:The Director (Technical NRIDA NORDA)

Age: 0

Occupation :

NBCC Tower Bhikaji Cama Place Rama Krishna Puram New Delhi 110066

8:The Second in Command (Vibrant Village Program-I)

Age: 0

Occupation :

Govt of India Room No. 21 Heritage Building MDC National Stadium New Delhi
110001

9:The Superintending Engineer

Age: 0

Occupation :

Rural Woks Circle Namsai Circle Namsai District Arunachal Pradesh

10:The Executive Engineer-cum-DPIU-II

Age: 0

Occupation :

Rural Work Department Hayuliang Division
Anjaw District Govt of Arunachal Pradesh

Advocate for the Petitioner : Bedanta Kaushik

Advocate for the Respondent : Marto Kato, DySGI; G. Tarak, S/C RWD;
Ms. T. Wangmo, GA

BEFORE
HONBLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 18-07-2024

Heard Mr. B. Kaushik, learned counsel for the petitioners. Also heard Mr. G. Tarak, learned Standing counsel for the Rural Works Department, representing the respondent Nos. 6, 9 & 10. Also heard Ms. T. Wangmo, learned Government Advocate for the respondent Nos. 4 & 5.

2. None has appeared for the other respondents.
3. As consented to by the learned counsels for the parties, the present writ petition is taken up for final consideration and disposal.
4. The grievances raised in the present proceeding is with regard to the finalisation of the bids received in pursuance to an NIT issued on 11.03.2024 for construction of roads under the 'Vibrant Villages Programme' scheme, which is contended to have been so done in clear violation of the guidelines holding the filed in the matter.
5. The petitioners making a grievance with regard to the process adopted by the respondent authorities for implementation of the 'Vibrant Villages Programme' in respect of the area, wherein, the land of the petitioners are situated, had approached this Court by way instituting WP(C) No. 150/(AP)2024

and this Court, vide order dated 02.04.2024 while issuing notice had observed as follows:-

“It is provided that in the event, respondent authorities decide to proceed with the implementation of the Vibrant Villages Programme, same may be/recorded by following the relevant guidelines of PMGSY and the SOP thereto.”

6. It is the specific contention of Mr. Kaushik, learned counsel for the petitioner that the respondents had not complied with the said observations as made by this Court, vide the order dated 02.04.2024 and had proceeded to finalize the tenders involved.

7. The learned counsel for the petitioners also refers to a communication dated 28.03.2024, issued by the Chief Engineer (PMGSY) RWD, Itanagar, wherein his subordinates were directed to withhold the tendering process under the Vibrant Villages Programme, till the process of acquisition is finalized. It is the specific contention of the petitioners that their lands, which would now be utilized for implementation of the said programme, has still not been acquired from them nor, they had voluntarily donated the said lands.

8. In view of the said contentions raised by the petitioners herein, this Court had vide an order dated 16.07.2024 required Mr. G. Tarak, learned Standing counsel, RWD, to place on record, instructions as regards the manner in which the Guidelines of the 'Vibrant Villages Programme' were so complied with, prior to the issuance of the NIT dated 12.03.2024. Mr. Tarak, learned Standing

counsel, RWD, on instructions has submitted that the Secretary to the Government of Arunachal Pradesh, RWD Department has vide a communication dated 16.07.2024, informed the Chief Engineer, PMGSY, RWD, to hold the tender process so issued in respect of construction of roads under the 'Vibrant Villages Programme' scheme, till the representation/petition of the petitioners as received in the matter from persons so having grievance are disposed of.

9. In view of the said position, this Court is of the considered view that the authorities having undertaken to consider the grievances of persons, including the petitioners herein, pertaining to the construction of roads under the 'Vibrant Village Programme', a consideration on merits of the issues as arising in the present proceedings is not called for in the present proceedings.

10. In view of the said development taking place in the matter, the petitioners herein are directed to submit a representation before the Secretary to the Government of Arunachal Pradesh, Rural Works Department, highlighting therein, their grievance with regard to the manner in which construction of road under the 'Vibrant Villages Programme' is being so implemented in the respective villages. Such representation be filed on or before 29.07.2024.

11. The petitioners may also highlight in the said representation the violation so committed by the respondent authorities in the matter while proceeding to process the matter for construction of the roads in the villages of the petitioners under the said 'Vibrant Villages Programme'.

12. In the event, such further representation is filed by the petitioners, the

Secretary to the Government of Arunachal Pradesh, Rural Works Department shall take into consideration the same and thereafter, on considering the grievances as raised in the matter, strictly in the light of the Guidelines pertaining to the 'Vibrant Villages Programme' scheme and of the connected schemes, SOP etc., proceed to dispose of the same by issuance of a speaking order.

13. The Secretary, Rural Works Department shall initiate the exercise as required of him in terms of the directions as passed hereinabove and conclude the same, with the issuance of a speaking order within a period of 15 (fifteen) days from the date of receipt of a fresh representation from the petitioners herein, along with the certified copy of this order.

14. With the above observations and directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant