



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

Case No. : WP(C)/308/2021

Tasing Libang
S/o Sri Atit Libang,
resident of Parsing Colony Yingkiong,
P.O/P.S Yingkiong,
Upper Siang District,
Arunachal Pradesh

VERSUS

THE STATE OF AP and 5 Ors.
Represented by the Secretary (Industries),
Govt. of Arunachal Pradesh, Itanagar

2:The Commissioner/Secretary (Land Management)
Age: 0
Occupation :
Govt. of Arunachal Pradesh Itanagar

3:The Deputy Commissioner
Age: 0
Occupation :
Upper Siang District
Govt of Arunachal Pradesh
Yingkiong

4:The Assistant Director of Industries
Age: 0
Occupation :
Government of Arunachal Pradesh

Yingkiong.
Upper Siang District (A.P)

5:Kosang Nopi
Age: 0
Occupation :
President (YTWA)
P.O/P.S Yingkiong
District Upper Siang
Arunachal Pradesh

6:Taku Jijong
Age: 0
Occupation :
General Secretary (YTWA)
P.O/P.S Yingkiong
District Upper Siang
Arunachal Pradesh

Advocate for the Petitioner : T T Tara

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 31-07-2024

Heard Mr. T. T. Tara, learned counsel for the petitioner and Ms. P. Sangita, learned State counsel representing the State respondents.

2. By filing this writ petition, the petitioner has put to challenge the proceedings under Arunachal Pradesh Public Premises (Eviction of Unauthorized Occupants) Act, 2003.

3. The petitioner claims that an approximate area measuring 600 square

metres, which is under his possession since 1990, is not a government land. The government has not acquired the land for establishment of Yingkiong township which is evident from the order passed by the competent authority that the proceeding for acquisition for establishment of the Yinkiong township is still under process. The claim of the petitioner is that since the land under his occupation is a private land and without any acquisition, the petitioner cannot be deprived of his right to his private land which would violate Article 300 A of the Constitution of India.

4. Mr. T. T. Tara, learned counsel for the petitioner, after arguing the matter at some length, fairly submits that he may be allowed to withdraw the present petition with a liberty to approach the competent Civil Court within a period of one month.

5. Having considered that the issue involved is purely a disputed question of facts and considering the fair submissions of the learned counsel for the petitioner, the prayer for withdrawal is accepted. Accordingly, the writ petition stands dismissed on withdrawal with a liberty to approach the competent Civil Court.

6. Having considered the vehement prayer of the learned counsel for the petitioner, it is provided that the petitioner shall approach the competent Civil Court within a period of 1 (one) month from today, if so advised. Till such approach, interim order passed by this Court on 28.09.2021 is extended.

7. It is provided that in the event the petitioner fails to institute appropriate proceedings before the competent Civil Court within a period of one month, the interim order, as extended above, shall stand automatically vacated.

8. Needless to observed that on initiation of such appropriate application, the

competent Civil Court shall consider and dispose of such application that may be filed by the petitioner on its own merit.

JUDGE

Comparing Assistant