

GAHC040009622024



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

Case No. : WP(C)/303/2024

Takang Mangam @ Mangum Tukang
Son of Late Mangam Ham,
resident of Vivek Vihar,
Itanagar,
PO RK Mission (Ganga),
PS Itanagar,
Papumpare District,
Arunachal Pradesh

VERSUS

The State of AP and 3 Ors
represented by the Secretary (Land Management),
Govt of Arunachal Pradesh, Itanagar

2:The Deputy Commissioner
Age: 0
Occupation :
Itanagar Capital Complex
Govt of Arunachal Pradesh
Itanagar

3:The District Land Record Settlement Officer
Age: 0
Occupation :
Itanagar Capital Complex
Itanagar

4:Miss Nabam Mali
Age: 0
Occupation :
Daughter of Nabam Tuki
resident of ESS sector near Catholic Church

Itanagar Capital Comple

Advocate for the Petitioner : T T Tara, Kirmani Lollen, Tai Dool, Taba Tokur, Terji Kamchi, Khoda Apa, Gamken Bam

Advocate for the Respondent : GA (AP), M Lego, A K Purkayastha, Wanglat Khomrang, Dusu Rillung, Chorpok Modi, Uttam Deka, SC (Land Management), Dugmar Kamduk

**BEFORE
HONOURABLE MR. JUSTICE KAKHETO SEMA**

ORDER

Date : 20-11-2024

Heard Mr. T. T. Tara, learned counsel for the petitioner and Ms. K. Wangmo, learned Government Advocate for the State respondent Nos. 2 & 3.

2. The writ petition was filed by the petitioner, inter alia, seeking for the following directions:

“A. A writ of nature of mandamus shall not be issued directing upon the state respondent authorities to take up the complaint case vide No. DC-ICC/12020/10/2021 (e-32802) filed by the petitioner against the private respondent No.4 for cancellation of illegal land allotment transfer of petitioner's allotment land as expeditiously as possible in fair manner.

B. A writ of nature of mandamus shall not be issued directing the respondent authority to examine and disposed of the representation dated 21.06.2024 in connection to the case No.DC-ICC/12020/10/2021 (e-32802).

C. Pass such further appropriate order(s)/direction (s) as your Lordship may deem fit and proper in the fact and circumstances of the case:

And on cause(s) that may be shown, if any, on perusal of records and upon hearing the parties, may be pleased to make the rule absolute by granting the relief(s) to the petitioners.”

3. The facts of the case in brief, as projected by the petitioner, is that the petitioner was allotted a plot of land measuring 192 Square Meter at Vivek Vihar, Itanagar vide Government allotment No. DC/L-4/83-85, dated 03.03.1993. On the land allotted, the petitioner has construction a multi-storage RCC Commercial Budling.

4. The petitioner, subsequently, come to learned that the said land has also been allotted to the respondent No. 4. The petitioner, accordingly, through the RTI come to learned that the said land allotted to the petitioner had also been allotted to the respondent No. 4 in the year 2010.

5. The petitioner, accordingly, submitted the complaint, dated 05.09.2023, to the Deputy Commissioner, Capital Complex, Itanagar, Papum Pare District requesting the Deputy Commissioner to enquire into the illegal land allotment which was issued in favour of the respondent No. 4. The Deputy Commissioner, accordingly, endorsed the complaint to the respondent No. 3, i.e. the District Land Record & Settlement Officer, Itanagar, Capital Complex, Itanagar for adjudication and disposal. The respondent No. 3, however, continued to sit over the complaint filed by the petitioner. The petitioner, accordingly, submitted the reminder, dated 21.06.2024, requesting the respondent No. 3 for early disposal of the complaint filed by the petitioner. As no action was taken by the respondent No. 3 on the reminder submitted by the petitioner on 21.06.2024, the present writ petition had been filed.

6. Today, when the matter is listed, Mr. T. T. Tara, learned counsel for the petitioner has placed a copy of the Summon, dated 07.11.2024, issued by the respondent No. 3 to the petitioner as well as the respondent No. 4 to appear before the respondent No. 3 for adjudication of the complaint submitted by the petitioner.

7. Mr. T. T. Tara, learned counsel for the petitioner submits that the Summon, dated 07.11.2024, issued by the respondent No. 3 has, in fact, redressed the relief sought for by the petitioner in the writ petition. The learned counsel, therefore, submits that the writ petition may be close with a direction to the respondent No. 3 to

expeditiously adjudicated the complaint/dispute between the petitioner and the respondent No. 4.

8. Ms. K. Wangmo, learned Government Advocate has no objection for disposal of the writ petition if the submission of the petitioner is limited for the adjudication of the dispute before the respondent No. 3 in the light of the Summon, dated 07.11.2024, issued by the respondent No. 3.

9. In view of the submissions made by learned counsel for the parties, the writ petition is disposed with a direction to the respondent No. 3, i.e. the DLRSO, Capital Complex, Itanagar to expeditiously dispose of the pending land dispute between the petitioner and the respondent No. 4 within a period of 90 (ninety) days from today.

10. Any order passed by the respondent No. 3 shall be forthwith communicated to the petitioner as well as the respondent No. 4

11. Writ petition, accordingly, stands disposed of.

9. The copy of the Summon, dated 07.11.2024, shall be kept on record.

JUDGE

Comparing Assistant