

GAHC040010112022



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

Case No. : WP(C)/291/2022

Alilum Tega and 51 Ors.

S/o Lt. A, Tegam

Resident of Tegamna, PO Chagalagam, PS Khupa, District Anjaw, Arunachal Pradesh.

2: Helosai Achonyu

Age:

Occupation :

3: Nilalum Mai

Age:

Occupation :

4: Loyasai Tabronyu

Age:

Occupation :

5: Nimisai Bellai

Age:

Occupation :

6: Basanti Gambre

Age:

Occupation :

7: Gusaisai Awailiang

Age:

Occupation :

8: Sosilum Flakam

Age:

Occupation :

9: Ojimum Taflap

Age:

Occupation :

10: Rana Flakam

Age:

Occupation :

11: Niyolum Mai

Age:

Occupation :

12: Diyanso Taflap

Age:

Occupation :

13: Dugen Flakam

Age:

Occupation :

14: Chaliasai Flakam

Age:

Occupation :

15: Jeleelu Flakam

Age:

Occupation :

16: Sipeelu Flakam

Age:

Occupation :

17: Pensiliang Achanyu

Age:

Occupation :

18: Hilerai Achonyu

Age:

Occupation :

19: Beminlu Achonyu

Age:

Occupation :

20: Lekaisai Achonyu

Age:

Occupation :

21: Helosai Achonyu

Age:

Occupation :

22: Johilu Achonyu

Age:

Occupation :

23: Jailuso Achonyu

Age:

Occupation :

24: Nibran Achonyu

Age:

Occupation :

25: Romalu Flakam

Age:

Occupation :

26: Pibin Achonyu

Age:

Occupation :

27: Taisaso Achonyu

Age:
Occupation :

28: Odemlum Flakam

Age:
Occupation :

29: Jidusai Flakam

Age:
Occupation :

30: Jamulum Tega

Age:
Occupation :

31: Shyutsi Tega

Age:
Occupation :

32: Rimi Tega

Age:
Occupation :

33: Batumai Tega

Age:
Occupation :

34: Batemlu Tega

Age:
Occupation :

35: Tolamsa Tega

Age:
Occupation :

36: Solarai Tega

Age:
Occupation :

37: Garche Mai

Age:

Occupation :

38: Reenelu Hagebrey

Age:

Occupation :

39: Begamsai Flakam

Age:

Occupation :

40: Ashumlum Tega

Age:

Occupation :

41: Ritusai Flakam

Age:

Occupation :

42: Sonel Flakam

Age:

Occupation :

43: Kantholum Flakam

Age:

Occupation :

44: Ratholum Flakam

Age:

Occupation :

45: Migamsai Flakam

Age:

Occupation :

46: Alapinso Flakam

Age:

Occupation :

47: Aruti Flakam

Age:

Occupation :

48: Pritamsai Flakam

Age:

Occupation :

49: Rinelu Flakam

Age:

Occupation :

50: Azadso Flakam

Age:

Occupation :

51: Pintosai Flakam

Age:

Occupation :

52: Milomso Tega

Age:

Occupation

VERSUS

THE STATE OF AP and 4 Ors.

To be represented through the Chief Secretary, Itanagar, Govt. of Arunachal Pradesh.

2:The Secretary

Age: 0

Occupation :

3:The Deputy Commissioner

Age: 0

Occupation :

4:The Additional Deputy Commissioner

Age: 0

Occupation :

5:The Commanding Officer

Age: 0

Occupation

Advocate for the Petitioner : T T Tara

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 24.07.2024

Heard Mr. J. Jini, learned counsel for the petitioners. Also heard Mr. S. Tapin, learned Senior Government Advocate, appearing for the respondents no. 1, 3 & 4 and Mr. D. Kamduk, learned Standing Counsel appearing for the respondent no. 2 as well as Mr. M. Kato, learned DSGI appearing for the respondent no. 5.

2. The grievance raised in the present proceeding by the petitioners, pertains to manner in which the compensation for the lands, more particularly, the compensation as determined for the Horticulture Crops i.e. Cardamom, standing on the land of the petitioner was so computed.

3. The learned counsel for the petitioner as well as the learned counsel for the respondents are at ad idem that the issue arising in the present proceeding is covered by the decision of this Court in the case of **The State of AP and Arn. Vs Topenso Tega and 123 Ors.** in **WA/40/2022**, Judgment and Order, dated 06.12.2023.

4. The conclusions as drawn by the Division Bench of this Court in the said case, being relevant is extracted herein below:-

“3. The case of the private respondents in their writ petition was to the effect that their respective lands were permanently acquired by the Govt. of Arunachal Pradesh in the year 2019 (from KM 06.00 to KM 16.00) towards Kapapu in Chaglongam Circle in Anjaw District for public purpose i.e. for construction of defence road by the Border Roads Organisation. The compensation payable to the respondents was initially assessed and/or quantified at Rs. 35,94,01,935/- (Rupees Thirty five crore ninety four lakh one thousand nine hundred and thirty five only) by virtue of Report under Memo No. HL.G/LM-07/2016-18 dated 6th March, 2020 of the Joint Survey and Property Assessment Report/Board Proceeding.

4. Thereafter, by another Joint Survey and Property Assessment Report, bearing No. HLG/LM-07/2019-20/ dated (not mentioned), the quantum of compensation was reduced to Rs. 25,99,34,34,951. It may be mentioned that one of the signatory to the said report has given the date of “04 Nov 20” under his signature. It is also mentioned that in this survey report, it has been mentioned that the BRO had desired to acquire land under KM 6.500 to KM 16.500, which is in slight variation to the first survey report mentioned in the foregoing paragraph.

5. By yet another Board Proceeding under No. Memo No. ANJ/LM01/2015-16 dated 8th March 2021, the rates of certain horticulture items including cardamom compensation was scaled down. It is projected that such re-fixation of rates of horticulture items had resulted in further scaling down of the compensation

amount from Rs.25,99,34,34,951 to Rs.11,60,12,680/-.

- 6.*****
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- 10.*****
- 11.*****
- 12.*****
- 13.*****
- 14.*****
- 15.*****

16. Thus, in light of the discussions above, the Court is of the considered opinion that the learned senior counsel for the respondents has been able to establish that the proceedings of W.A. No. 24(AP)/2022 (in which one of us was the Member of the Bench) was heard and decided on factual matrix that is similar to the present appeal, save and except the description of the stretch of land which was acquired. Accordingly, the Court is of the considered opinion that the appellants have not been able to make out a case for interference with the judgment and order dated 08.09.2022, passed by the learned Single Judge of this Court in W.P.(C) 320(AP)/2022. This Court is bound by the decision of the co-ordinate Division Bench of this Court and therefore, this appeal deserves to be dismissed in light of the discussions above and in

light of the decision dated 04.01.2023, passed by this Court in W.A. No.24(AP)/2022.”

5. In view of the above, the directions as passed by this Court, vide the Judgment and Order, dated 06.12.2023, in WA/40/2022 as extracted herein above shall also cover the issues arising in the present proceeding.

6. Consequently, the respondent authorities are directed to authorized the petitioners herein their due compensation for the Cardamom crops as standing on their respective lands in accordance with the directions passed by this Court vide order, dated 08.09.2022 in WP(C)/320/2021 and upheld by this Court, vide the Judgment and Order, dated 06.12.2023 in WA/40/2022.

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

JUDGE

Comparing Assistant