

GAHC040010662024



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

Case No. : WP(C)/348/2024

1) Tase Dara and 29 Ors

Address - Son of Shri Taram Dara, Dara Yangfo Village, PO Sawa, PS Chayangtajo, East Kameng District, Arunachal Pradesh
Advocate- T T Tara, Kirmani Lollen, Terji Kamchi, Taba Tokur, Khoda Apa, Gamken Bam

2) Nibu Dara

Son of Shri Lapiam Dara, PO Sawa, PS Chayangtajo, East Kameng District, Arunachal Pradesh

3) Aman Dara

Son of Shri Taram Dara, PO Sawa, PS Chayangtajo, East Kameng District, Arunachal Pradesh

4) Ayang Dara

Son of Shri Taba Dara, PO Sawa, PS Chayangtajo, East Kameng District, Arunachal Pradesh

5) Tago Yangfo

Son of Shri Koning Yangfo, PO Sawa, PS Chayangtajo, East Kameng District, Arunachal Pradesh

6) Sunjay Dara

Son of Shri Taram Dara, PO Sawa, PS Chayangtajo, East

Kameng District, Arunachal Pradesh

7) Hakam Dara

Son of Shri Taram Dara, PO Sawa, PS Chayangtajo, East Kameng District, Arunachal Pradesh

8) Anil Dara

Son of Late Tajik Dara, PO Sawa, PS Chayangtajo, East Kameng District, Arunachal Pradesh

9) Kofa Dara

Son of Late Tajik Dara, PO Sawa, PS Chayangtajo, East Kameng District, Arunachal Pradesh

10) Bangram Dara

Son of Shri Ayang Dara, PO Sawa, PS Chayangtajo, East Kameng District, Arunachal Pradesh

11) Arman Dara

Son of Shri Lapiam Dara, PO Sawa, PS Chayangtajo, East Kameng District, Arunachal Pradesh

12) Chapo Dara

Son of Late Tadak Dara, PO Sawa, PS Chayangtajo, East Kameng District, Arunachal Pradesh

13) Charing Dara

Son of Late Apa Dara, PO Sawa, PS Chayangtajo, East Kameng District, Arunachal Pradesh

14) Bada Dara

Son of Late Soping Dara, PO Sawa, PS Chayangtajo, East Kameng District, Arunachal Pradesh

15) Kosam Dara

Son of Shri Lapiam Dara, PO Sawa, PS Chayangtajo, East

Kameng District, Arunachal Pradesh

16) Lapiam Dara

Son of Late Taba Dara, PO Sawa, PS Chayangtajo, East Kameng District, Arunachal Pradesh

17) Pacha Dara

Son of Shri Ayang Dara, PO Sawa, PS Chayangtajo, East Kameng District, Arunachal Pradesh

18) Takang Dara

Son of Shri Taram Dara, PO Sawa, PS Chayangtajo, East Kameng District, Arunachal Pradesh

19) Jeevan Dara

Son of Shri Singke Dara, PO Sawa, PS Chayangtajo, East Kameng District, Arunachal Pradesh

20) Smti Meyam Rassang Dara

Wife of Shri Aman Dara, PO Sawa, PS Chayangtajo, East Kameng District, Arunachal Pradesh

21) Smti Yajik Keyang Dara

Wife of Late Tajik Dara, PO Sawa, PS Chayangtajo, East Kameng District, Arunachal Pradesh

22) Smti Mero Yangfo Dara

Wife of Achang Dara, PO Sawa, PS Chayangtajo, East Kameng District, Arunachal Pradesh

23) Smti Mefa Bagang Dara

Wife of Bangram Dara, PO Sawa, PS Chayangtajo, East Kameng District, Arunachal Pradesh

24) Tame Yangfo

Son of Shri Koyang Yangfo, PO Sawa, PS Chayangtajo, East

Kameng District, Arunachal Pradesh

25) Aga Yangfo

Son of Late Kome Yangfo, PO Sawa, PS Chayangtajo, East Kameng District, Arunachal Pradesh

26) Dodum Yangfo

Son of Late Kome Yangfo, PO Sawa, PS Chayangtajo, East Kameng District, Arunachal Pradesh

27) Smti Yaro Yangfo

Wife of Late Kati Yangfo, PO Sawa, PS Chayangtajo, East Kameng District, Arunachal Pradesh

28) Takang Yangfo

Son of Shri Koyang Yangfo, PO Sawa, PS Chayangtajo, East Kameng District, Arunachal Pradesh

29) Smti Abey Veo Yangfo

Wife of Late Kome Yangfo, PO Sawa, PS Chayangtajo, East Kameng District, Arunachal Pradesh

30) Smti Longming Yangfo

Wife of Shri Yang Yangfo, PO Sawa, PS Chayangtajo, East Kameng District, Arunachal Pradesh

Versus

1) The State of AP and 3 Ors

Address - represented by the Secretary, RWD, Govt of Arunachal Pradesh, Itanagar cum Chief Executive Officer, Arunachal Pradesh Rural Road Development Authority

2) The Chief Engineer (PMGSY)

Rural Works Department, Govt of Arunachal Pradesh, Itanagar

3) The Superintending Engineer
Rural Works Circle, Rupa, Govt of Arunachal Pradesh

4) The Executive Engineer / DPIU
Rural Works Department, Chayangtajo Division, West Kameng
District, Govt of Arunachal Pradesh

Advocate for the Petitioner : T T Tara

Advocate for the Respondent : Gimi Tarak

BEFORE
HONBLE MR. JUSTICE KAKHETO SEMA

ORDER

Date : 22.08.2024

Heard Mr. T.T. Tara, learned counsel for the petitioners and Mr. G. Tarak, learned Standing counsel for the RWD.

The Government of Arunachal Pradesh, Office of the Executive Engineer, Chayangtajo, Division/District, East Kameng, issued NIT dated 05/07/2024 soliciting item rate bids through an electronic tendering system for the construction of L022-Road from Sawa-Venia Road to Byalle via Dara Yangfo as part of the Vibrant Village Programme (VVP). The petitioners who are landowner, whose land it is anticipated to be impacted, by the project has filed the present writ petition for quashing and setting aside the NIT dated 05/07/2024 and also seeking for a direction to the State respondents to abstain

from the illegal occupation of the land of the petitioners.

Mr. T.T. Tara, learned counsel for the petitioner submits that the NIT dated 05/07/2024 has been issued without considering the mandate provided under the PMGSY scheme and guidelines more particularly, Clause-6.12 and 6.13 of the said guidelines and also by giving a total go by to the letter dated 19/10/2023 written by the Secretary (RWD), Government of Arunachal Pradesh to the Deputy Commissioner of Tawang, East Kameng, Kra Daadi, Kurung Kumey, Upper Subansiri, Upper Siang, Shi Yomi, Lower Dibang Valley, Dibang Valley and Anjaw wherein, the Deputy Commissioner's of the said district has been asked to explore mechanism for voluntary land donation/signing of MOU involving the local community in making decision processes and foster a sense of ownership and ensures that the road project aligns with the community's needs and priorities. The learned counsel submits that the respondents have neither considered the guidelines under the PMGSY scheme nor the letter dated 19/10/2023 but has proceeded to issue the NIT dated 05/07/2024. Therefore, the present writ petition.

Mr. G. Tarak, learned Standing counsel for the RWD on the other hand submits that consequent to the NIT dated 05/07/2024 both the technical and financial bid has been opened and the Evaluation Committee has recommended to award the work to the successful bidders. The learned Standing counsel accordingly submits that as the successful bidder have not been made parties in the present writ petition, the writ petition suffers from non-joinder of the necessary party and is liable to be dismissed.

Mr. T.T.Tara, learned counsel for the petitioners, at this stage, submits that the petitioners have submitted the representation dated 12/08/2024 to the Secretary (RWD), Civil Secretariat, Itanagar, Government of Arunachal Pradesh and the Deputy Commissioner, East Kameng District, Seppa, Arunachal Pradesh for addressing the concern raised by the petitioner landowner's and to comply with the PMGSY scheme and guidelines, however as the representation submitted by the petitioners have not been addressed to by the authorities concerned as of date, the writ petition can be disposed of by directing the Secretary (RWD), Civil Secretariat, Itanagar, Government of Arunachal Pradesh and the Deputy Commissioner, East Kameng District, Seppa, Arunachal Pradesh to dispose the representation within a time frame by addressing the concern raised by the petitioners.

Mr. G. Tarak, learned Standing counsel for the RWD is agreeable to the submission made by Mr. T.T. Tara, learned counsel for the petitioners, if the same is limited to giving a direction to the State respondents to dispose the representation dated 12/08/2024.

In view of the submission made by the learned counsel for the petitioners, this writ petition is disposed at the motion stage, with a direction to the Secretary (RWD), Civil Secretariat, Itanagar, Government of Arunachal Pradesh and the Deputy Commissioner, East Kameng District, Seppa, Arunachal Pradesh, to dispose the representation dated 12/08/2024 submitted by the petitioner within a reasonable period of time but not exceeding 30(thirty) days from the date of receipt of the copy of this order. Any action taken on the representation submitted by the petitioners shall be forthwith intimated to the petitioners.

Writ petition stands disposed.

JUDGE

Comparing Assistant