

GAHC040011262024



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

Case No. : WP(C)/378/2024

Koi Taipodia and Anr
Son of Late Duko Taipodia, Liru village, PO and PS Likabali, Lower Siang District,
Arunachal Pradesh.

2: Humdo Taipodia
Son of Late Tahum Taipodia, Liru village, PO and PS Likabali, Lower Siang
District, Arunachal Pradesh.

VERSUS

Tado Rumdo and Anr
HCGB, Kamcham Village, Kangku Circle, Likabali, Lower Siang District, Arunachal
Pradesh.

2:Smti Ibi Doke
GB, Kamcham Village, Kangku Circle, Likabali, Lower Siang District, Arunachal
Pradesh.

Advocate for the Petitioner : Subu Tapin

Advocate for the Respondent :

**BEFORE
HONBLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 02.09.2024

Heard Mr. S. Tapin, learned counsel for the petitioners.

2. Considering the nature of grievance raised by the petitioner and the order proposed to be passed, no notice is required to be issued to the respondent as no prejudice would cause to the respondents. Thus, writ petition is disposed of at the motion stage.

3. The petitioners filed a complaint on 29.05.2021 before the village authority of Kamcham village, Likabali, Arunachal Pradesh to the effect that one Shri Tado Rumdo, Gaon Bura, Kamcham village, has captured the land/place which the petitioners used as Timber/Log depot, for which, the petitioners have requested for amicable settlement. Thereafter, the petitioners submitted various complaints from time to time for settlement of the dispute. However, the village authority has failed to resolve the dispute.

4. During the pendency of the complaint and representation for settlement of the dispute as mentioned above, a Land Possession Certificate was issued in favour of the respondent No. 1 and to his relatives. It is contended that for the purpose of obtaining LPC, it is required to obtain NOC from the GB of the village under whose jurisdiction the land is situated. The respondent No. 2 who is the

Gaon Buri, Kamcham village has issued NOC in favour of the respondent No. 1 and 5(five) others, pursuant to which LPC (Land Possession Certificate) has been issued, while the complaints and the applications for settlement of the dispute is pending before her for settlement.

5. The petitioners having found that the respondent No. 2 (Gaon Buri) under whom the matter is pending for settlement in respect of the present dispute, has issued a NOC for issuance of LPC pursuant to which, the LPC has been issued to the respondent No. 1 and 5(five) others, filed an application for withdrawal of the Keba on 07.08.2024, which is stated to be pending.

6. The learned counsel for the petitioners submits that non-disposal of the application for withdrawal has caused great hardship to the petitioners as they are being prevented from approaching the appropriate Civil Court for the title and ownership of the land in question. Therefore, he submits that the respondent No. 2 be directed to dispose of the application dated 07.08.2024, allowing the withdrawal of the Keba case vide complaint dated 29.05.2021.

7. Having considered the simple prayer of the petitioners to the effect that the respondent No. 2, namely, Smti Ibi Doke, Gaon Buri, village Kamcham, Kangku Circle, Likabali, Lower Siang District may be directed to allow withdrawal of the Keba case vide complaint dated 29.05.2021, I deem it appropriate to dispose of this writ petition without going into the merit of the claim.

8. Considering the prayer made in this writ petition, this writ petition is disposed of with a direction to the respondent No. 2, namely, Smti Ibi Doke, Gaon Buri, Kamcham, to allow the withdrawal of the Keba case vide complaint dated 29.05.2021 by considering and disposing of the application filed by the petitioner, dated 07.08.2024 within a period of 30(thirty) days from today.

9. The writ petition stands disposed of, in terms of above direction.

JUDGE

Comparing Assistant