

GAHC040011332023

2024:GAU-AP:1093



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

Case No. : CRP/43/2023

Jumnya Riram and 2 Ors.

S/o Shri Dojum Riram, Sago Village, P.O/P.S Basar, District Leparada, Arunachal Pradesh. M. No. 9436200068

2: Dojum Riram Age: Occupation :

S/o Late Lido Riram Sago Village P.O/P.S Basar District Leparada Arunachal Pradesh.

3: Jumkar Riram Age: Occupation :

S/o Shri Dojum Riram Sago Village P.O/P.S Basar District Leparada Arunachal Pradesh

VERSUS

Jumi Riram and 5 Ors.

Sago Village, P.O/P.S Basar, District, Arunachal Pradesh.

2:Mijum Riram Age: 0 Occupation :

Sago Village P.O/P.S Basar District Leparada Arunachal Pradesh.

3:Karmar Riram Age: 0 Occupation : Sago Village P.O/P.S Basar

District Leparada Arunachal Pradesh.

4:Mirik Riram Age: 0 Occupation : Sago Village P.O/P.S Basar

District Leparada Arunachal Pradesh.

5:Minli Riram Age: 0 Occupation : Sago Village P.O/P.S Basar District Leparada

Arunachal Pradesh.

6:Maryom Riram Age: 0 Occupation : Gaon Burah Eshi Chiku Village

P.O/P.S Basar District Leparada Arunachal Pradesh

Advocate for the Petitioner : Lissing Perme, Signal Yirang, Tabung Nonang, T Gamlin, William Yirang, A Perme, Wintet Sawin, Krishna Dubey

Advocate for the Respondent : Romjir Rakshap,

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

JUDGMENT

Date : 10.12.2024

Heard Mr. Lissing Perme, learned counsel appearing on behalf of the petitioners. Also heard Mr. Romjir Rakshap, learned counsel appearing on behalf of all the respondents.

The challenge in the present proceeding is to a decision, dated 23.07.2023, taken by the Inter Village Territorial Customary Court, deciding a dispute pertaining to a plot of land by and between the petitioners and the respondents, herein, situated at Sago village.

The short question arising in the present proceeding, is as to whether the Inter Village Territorial Customary Court which had decided the issue, would have an original jurisdiction in the matter and/or can only have an appellate jurisdiction, after the issue was so decided by the jurisdictional village authority.

Mr. Perme, learned counsel for the petitioners, by placing reliance on the provisions of the Arunachal Pradesh Civil Courts Act, 2021, as amended in the year 2022; has submitted that the Inter Village Territorial Customary Court or the Apex Customary Court by whatever, name called, has been now denoted as an appellate forum against the decision of a village authority, provided it is agreed to by the parties.

Sub-Section (4) of Section 15 of the said Arunachal Pradesh Civil Court Act, 2021, as brought into existence by the Arunachal Pradesh Civil Courts(Amendment) Act, 2022, is extracted hereinbelow:

“(iii) After the fourth proviso to sub-section (3) of section 15, the following sub-section shall be inserted,-

(4) An appeal from the village Authority, if agreed to by the parties, shall lie before the inter-village territorial Customary Court or Apex Customary Court, by whatever name called, which shall settle the case as per the local Territorial customary laws under the provisions of section 40 of the Assam Frontier (Administration of Justice) Regulation, 1945.

Provided that, an appeal against the order of the inter-village territorial court or Apex Customary Court shall lie before the Courts of Civil Judge Junior Division, the Courts of Civil Judge Senior Division, the Courts of Additional District Judge or the Courts of District Judge, as the case may be, as per their territorial and pecuniary jurisdiction.

Provided further that, the courts of Civil Judge Junior Division, the Courts of Civil Judge Senior Division, the Courts of Additional District Judge or the Courts of District Judge, as the case may be, shall not set aside an appeal so filed merely on technical ground or procedural lapses but in the interest of justice shall dispose of the same as may be deemed appropriate or proceed with the case de novo.”

A perusal of sub-Section (4) of Section 15 of the Arunachal Pradesh Civil Courts Act, 2021(as amended), would reveal that the Inter Village Territorial Customary Court or the Apex Customary Court by whatever name called; shall have the appellate jurisdiction over the decision of a village authority, provided the parties agree to submit to such appellate jurisdiction.

The said provision of sub-Section (4) of Section 15 of the Arunachal Pradesh Civil Courts Act, 2021(as amended), would also go to reveal that the Inter Village Territorial Customary Court in an issue, as arising in the present proceeding, would not have an original jurisdiction. The parties to the present proceeding, are at agreement that the land which is in dispute falls within the jurisdiction of Sago village and also to the extent that the jurisdictional village authority had not considered the issue and pronounced its decision thereon.

Accordingly, the impugned decision not having been arrived at by the

village authority of Sago village; the decision so being arrived at by the Inter Village Territorial Customary Court on 23.07.2023, at the first instance, the same would be in violation of sub-Section (4) of Section 15 of the Arunachal Pradesh Civil Courts Act, 2021(as amended).

In view of the above position; the impugned decision rendered by the Inter Village Territorial Customary Court, dated 23.07.2023, stands set aside.

The parties to the proceeding, herein, are now directed to approach the village authority of Sago village for resolution of their dispute. Such approach shall be made by either of the parties within a period of 1(one) month from today. Thereafter, the village authority shall issue notices to both the parties and accordingly, proceed to consider the dispute and pronounce its decision in the matter, expeditiously, after fixing a date for hearing.

With the above directions and observations, this civil revision petition stands disposed of.

JUDGE

Comparing Assistant