

GAHC040011702024



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

Case No. : WP(C)/393/2024

Mai Rida and 5 Ors

Son of Shri Mame Rida, resident of Tato, PO and PS Tato, Shi Yomi District,
Arunachal Pradesh. 2: Jeni Rida @ Jeny Heyo

Age:

Occupation :

3: Mane Diru

Age:

Occupation :

4: Jarter Hiba

Age:

Occupation :

5: Tako Pusang

Age:

Occupation :

6: John Hiba

Age:

Occupation

VERSUS

The State of AP and 5 Ors

represented by the Chief Secretary, Govt of Arunachal Pradesh, Itanagar 2:The
Secretary/ Commissioner

Age: 0

Occupation :

3:The Director of Land Management
Age: 0
Occupation :

4:The Deputy Commissioner
Age: 0
Occupation :

5:The Director General Border Roads
Age: 0
Occupation :

6:The Commanding Officer
Age: 0
Occupation

Advocate for the Petitioner : Nikita Danggen

Advocate for the Respondent : GA (AP)

B E F O R E
HON'BLE MR. JUSTICE KARDAK ETE

ORDER

06.09.2024

Heard Ms. N. Danggen, learned counsel for the petitioners. Also heard Mr. R.H. Nabam, learned Addl. Advocate General for the respondent nos.1 to 4 and Mr. M. Ete, learned counsel appearing on behalf of Mr. M. Kato, learned DSGI for profoma respondent nos. 5 and 6 and Mr. B. Koyu, learned counsel appearing on behalf of Mr. D. Kamduk, learned Standing Counsel, Land

Management for the respondent nos. 2 and 3.

2. On the consent of the learned counsel for the parties and with an agreement that the grievance of the petitioners raised in the present writ petition is covered by the judgment and order dated 14.08.2024 passed in a batch of writ petition leading being WP(C) 3/2023, this present writ petition is heard and disposed of at the motion stage itself.

3. The petitioners claim to be the land owners and other assets on the area from Pene village to Tato, are aggrieved by the action of the respondent authorities for non-consideration of the claim of the petitioners for payment of compensation for houses and other assets. The rejection of the claim of the petitioners is on the ground that it violates the Public Notice issued by the Deputy Commissioner, Shi-Yomi dated 29.03.2021, wherein, it was notified that any construction after 31.01.2021 would not be considered while computing the compensation amount.

4. The authorities initiated an acquisition proceeding for construction of road from Pene village to Tato for which a notification was issued on 24.05.2022 by the Deputy Commissioner, Shi-Yomi district under Section 10 of the Balipara/Tirap/Sadiya, Frontier Tract Jhumland Regulation, 1947.

5. It is the contention of the petitioners that since the notification for acquisition of the land was issued on 24.05.2022, the ground of rejection of the claim of the petitioners that a Public Notice was issued on 29.03.2021 is not sustainable, as according to the petitioners any violation of such Public Notice must be anterior and not prior to notification for land acquisition dated 24.05.2022. It is not disputed that the public notification issued by the Deputy Commissioner, Shi-Yomi district was on 29.03.2021 and the notification for

acquisition of the land was on 24.05.2022.

6. Having considered the submissions of the learned counsel for the parties and on perusal of the materials available on records including the judgment and order of a Coordinate Bench of this Court dated 14.08.2024, this Court is in complete agreement with the judgment and order dated 14.08.2024 passed by the Coordinate Bench. The learned counsel for the parties are also in agreement with that the judgment and order dated 14.08.2024 is squarely covered the grievances raised by the petitioners in the present petition.

7. In view of above, I am of the view that since the judgment and order dated 14.08.2024 is squarely covered with the case of the petitioners in the present writ petition, I deem it appropriate to dispose of the present writ petition without reiterating the findings of the Coordinate Bench to which this Court is in full agreement. Thus, similar relief be extended to the petitioners as has been granted by this Court to the petitioners of that case vide judgment and order dated 14.08.2024.

8. With the above observation and direction, the present writ petition stands disposed of.

JUDGE

Comparing Assistant