

GAHC040011792023



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

**Case No. : WP(C)/430/2023**

Genden Tashi S/o- Shri Lobsang Tashi,  
R/o- Bomba village, P.O- Lembardung,  
P.S- Tawang, Tawang District, Arunachal Pradesh.  
917085324125

-VERSUS-

- 1.The State of AP, represented by the Secretary, General Administration,  
Civil Secretariat, Government of Arunachal Pradesh, Itanagar - 791111 2
- 2.The Deputy Commissioner, Tawang District Tawang Arunachal Pradesh.
- 3.Head Gaon Burah/Gaon Burah (S) Teli village  
P.O- Lembardung P.S- Tawang Tawang District Arunachal Pradesh.
- 4.Head Gaon Burah/ Gaon Burah (S) Surbi village P.O- Lembardung P.S-  
Tawang Tawang District Arunachal Pradesh.

5:..Smti Tsangpa : W/o Lt. Lama Tashi permanent resident of Teli village

P.O- Lembardung P.S- Tawang Tawang District Arunachal Pradesh

Advocate for the Petitioner : Nalo Pada Adam Tatak Tsering Gyatso Tumba Ango  
Amy Talum Tanur Gao Goyi Taba Raju Tonni Gammi  
Marc Rime

Advocate for the Respondent : GA (AP)

**BEFORE  
HONBLE MR. JUSTICE KARDAK ETE**

**ORDER**

**Date : 06.09.2024**

Heard Mr. D. Tali, learned counsel for the petitioner. Also heard Ms. T. Wangmo, learned Govt. Advocate for the State respondents.

**2.** The petitioner has filed this writ petition praying for a direction to the Deputy Commissioner, Tawang District, to alter/modify the judgment & order dated 22.04.2015 (correct date is 16.07.2015), passed in Civil Case No. 04/2000, (*Shri Sange Dorjee & Ors. Vs. Teli Villagers*), to the extent of boundary demarcation between Bomba and Teli villages strictly in compliance with "Gamgya" (Old Tibetan documents) and also to transfer the allotment of the quarter to the present petitioner. It is noticed that the petitioner has also prayed for stay of the proceedings of the title suit being Title Suit No. 01 of 2022 stated to be pending before the Civil Judge (Junior Division), Tawang.

- 3.** On perusal of the materials on record, it appears that the Deputy Commissioner has passed the order dated 16.07.2015 in a civil dispute case being Civil Case No. 04 of 2000. It also appears that another title suit being T.S. No. 01 of 2022 is pending before the learned Civil Judge (Junior Division), Tawang.
- 4.** Having considered the materials available on record including the judgment & order dated 16.07.2015, and another Title Suit is pending before the Civil Court, I am of the firm view that the writ petition would not be maintainable against the judgment and order passed by the Civil Court under Article 226 of the Constitution of India. The law provides an appropriate remedy to the aggrieved party against the order arising out of the civil proceedings.
- 5.** In view of the above, I am of the view that the present writ petition is not maintainable. Accordingly, the writ petition stands dismissed being not maintainable.
- 6.** However, the petitioner is at liberty to avail any other appropriate remedy as per the law.

**JUDGE**

**Comparing Assistant**