

GAHC040013252023



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

Case No. : IA(C)/159/2023

the Executive Engineer
Department of Hydro Power Pangin, Siang District, Arunachal Pradesh.

VERSUS

Tajom Taggu and 15 Ors.
S/o Late Tamiyo Taggu,
R/o Riga Village,
PO Riga, PS Boleng, Siang District, Arunachal Pradesh. 2:Tamen Tatin
Age: 0
Occupation :

3:Taleng Mize
Age: 0
Occupation :

4:Tagom Tapak
Age: 0
Occupation :

5:Takut Tatak
Age: 0
Occupation :

6:Talang Tamut

Age: 0

Occupation :

7:Tagong Taggu

Age: 0

Occupation :

8:Tamek Tatin

Age: 0

Occupation :

9:Tamit Mize

Age: 0

Occupation :

10:Tapir Tatin

Age: 0

Occupation :

11:Tagong Tatak

Age: 0

Occupation :

12:Tarik Taggu

Age: 0

Occupation :

13:Tamin Tamut

Age: 0

Occupation :

14:Tapu Taboh

Age: 0

Occupation :

15:Tangir Taggu
Age: 0
Occupation :

16:Tapun Mize
Age: 0
Occupation

Advocate for the Petitioner : I Riram

Advocate for the Respondent : Juel Saroh

Linked Case : WP(C)/284/2023

Tajom Taggu and 15 Ors.
Age: 54
Occupation :
Address:S/o Late Tamiyo Taggu

R/o Riga Village
PO Riga/ PS Boleng
Siang District
Arunachal Pradesh.
Mobile No. 9383035853
2: Tamen Tatin
Age: 58
Occupation :
Address:S/o Late Talem Tatin

R/o Riga Village
PO Riga
PS Boleng
Siang District
Arunachal Pradesh.
Mobile No. 8974947736

3: Taleng Mize
Age: 56
Occupation :
Address:S/o Late Taying Mize

R/o Riga Village
PO Riga/PS Boleng
Siang District
Arunachal Pradesh.
Mobile No. 8131871872

4: Tagom Tapak
Age: 75
Occupation :
Address:S/o Late Tamur Tapak
R/o Riga PS Boleng
Siang District
Arunachal Pradesh.
Mobile No. 8638742628

5: Takut Tatak
Age: 30
Occupation :
Address:S/o Shri Tagum Tatak
R/o Riga Village
PO Riga PS Boleng
Siang District
Arunachal Pradesh.
Mobile No. 8974947767

6: Talang Tamut
Age: 68
Occupation :
Address:S/o Late Tapum Tamut
R/o Riga Village
PO Riga PS Boleng
Siang District
Arunachal Pradesh.
Mobile No. 9436229355

7: Tagong Taggu
Age: 46
Occupation :
Address:S/o Late Taping Taggu
R/o Riga Village

PO Riga PS Boleng
Siang District
Arunachal Pradesh.
Mobile No. 9436638841
8: Tamek Tatin
Age: 48
Occupation :
Address:S/o Shri Takot Tatin
R/o Riga Village
PO Riga PS Boleng
Siang District
Arunachal Pradesh.
Mobile No. 9862980569
9: Tamit Mize
Age: 50
Occupation :
Address:S/o Tabin Mize
R/o Riga Village
PO Riga PS Boleng
Siang District
Arunachal Pradesh.
Mobile No. 8794772672
10: Tapir Tatin
Age: 65
Occupation :
Address:S/o Late Taram Tatin
R/o Riga Village
PO Riga PS Boleng
Siang District
Arunachal Pradesh.
Mobile No. 9356235678
11: Tagong Tatak
Age: 52
Occupation :
Address:S/o Late Tabong Tatak
R/o Riga Village
PO Riga PS Boleng
Siang District
Arunachal Pradesh.
Mobile No. 6902486921
12: Tarik Taggu
Age: 32
Occupation :

Address:S/o Shri Tajom Taggu
R/o Riga Village
PO Riga PS Boleng
Siang District
Arunachal Pradesh.
Mobile No. 6909769619

13: Tamin Tamut

Age: 30

Occupation :

Address:S/o Late Talom Tamut
R/o Riga Village
PO Riga PS Boleng
Siang District
Arunachal Pradesh.
Mobile No. 8974951894

14: Tapu Taboh

Age: 35

Occupation :

Address:S/o Shri Tangak Taboh
R/o Riga Village
PO Riga PS Boleng
Siang District
Arunachal Pradesh.
Mobile No. 9862989069

15: Tangir Taggu

Age: 63

Occupation :

Address:S/o Tanyuk Taggu
R/o Riga Village
PO Riga PS Boleng
Siang District
Arunachal Pradesh.
Mobile No. 9560518511

16: Tapun Mize

Age: 65

Occupation :

Address:S/o Late Tasik Mize
R/o Riga Village
PO Riga PS Boleng
Siang District
Arunachal Pradesh.
Mobile No. 7085471980

VERSUS

THE STATE OF AP and 5 Ors.

Age: 0

Occupation :

Address:Represented by the Secretary (Hydro Power Department)

Govt. of Arunachal Pradesh

Itanagar.

2:the Chief Engineer

Age: 0

Occupation :

Address:Department of Hydro Power

Govt. of Arunachal Pradesh

Itanagar.

3:the Superintendent Engineer

Age: 0

Occupation :

Address:Department of Hydro Power

Pasighat

East Siang District

Arunachal Pradesh.

4:The Executive Engineer

Age: 0

Occupation :

Address:Department of Hydro Power

Pangin

Siang District

Arunachal Pradesh.

5:the Deputy Commissioner

Age: 0

Occupation :

Address: Boleng

Siang District

Govt. of Arunachal Pradesh.

6:the Extra Assistant Commissioner

Age: 0

Occupation :

Address:Siang District

Riga

Arunachal Pradesh.

Advocate for : Nalo Pada

Advocate for : GA (AP) appearing for THE STATE OF AP and 5 Ors.: Advocate ,

-BEFORE-

HON'BLE MR. JUSTICE SANJAY KUMAR MEDHI

22.01.2024

Heard Shri N. Ratan, learned Addl. Advocate General for the applicant who by means of this Interlocutory Application has sought for modification/ vacation/ alteration of the impugned order, dated 23.06.2023.

By the aforesaid order passed in the connected WP (C) 284 (AP) 2023, while issuing notice, this Court had passed a direction that the operation of the impugned order, dated 09.03.2023 would remain stayed and no further works is to be executed in the aforesaid land till the next date of listing.

It may be mentioned that by the impugned order, dated 09.03.2023, earth cutting was done for the purpose of construction of small Hydro Power Project in the aforesaid land in the Siang District of Arunachal Pradesh.

The learned State counsel has submitted that the opposite party/writ petitioners have not been able to demonstrate to show the ownership of the land in question.

That apart, he submits that way back in the year, 2017, a public meeting was held in the locality and taking into consideration the situation of acute power shortage and road connectivity, the public in general has consented to such construction which is absolutely in the public interest.

It is further submitted that even after the interim order, a Kebang was

held, in which it was reconfirmed that 5 (five) of the petitioners do not have any interest in connection with the land.

Though, public interest is intrinsically connected with the project, this Court is also of the opinion that without following the due process of law regarding acquisition of land, a project cannot be initiated. At the same time, at the instance of few persons who are not connected with the land, such a project also cannot be halted.

In view of the above, this Court is of the view that equity would be balanced if the interim order dated 23.06.2023 is modified to the following extent. The embargo put by the aforesaid order of staying the impugned order dated 09.03.2023 is hereby removed. It is however made clear that all the lawful owner/ processors of the land in question are required to be duly compensated in accordance with the law.

Interlocutory Application stands disposed of.

JUDGE

Comparing Assistant