

GAHC040013272024



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

**Case No. : CRP/45/2024**

Eken Riram and Anr  
Son of Late Mie Riram, Essi Chiku Village, PO and PS Basar, Leparada District,  
Arunachal Pradesh. 2: Karsen Riram

Age:

Occupation :

Son of Late Mikar Riram

Essi Chiku Village

PO and PS Basar

Leparada District

Arunachal Pradesh

VERSUS

Motu Riram

Son of Late Rimo, Essi Chiku Village, PO and PS Basar, Leparada District, Arunachal Pradesh.

**Advocate for the Petitioner** : T T Tara, Pondit Ronya, Kirmani Lollen, Terji Kamchi, Khoda  
Apa, Taba Tokur, Gamken Bam

**Advocate for the Respondent** : Rintu Saikia, Idak Bam, Limi Bam, Ligam Nochi

**BEFORE**  
**HONOURABLE MR. JUSTICE BUDI HABUNG**

**ORDER**

**Date : 13.11.2024**

Heard Mr. T. Kamchi, learned counsel for the petitioners. Also heard Mr. I.  
Bam, learned counsel for the sole respondent.

**2.** By filing this application under Section 227 of the Constitution of India, the petitioners have assailed the impugned Porwana (Keba summon) dated 13.07.2024 and Re-Porwana dated 29.07.2024, issued by the HGB-cum-President, Gaon Burah Welfare Society(GBWS), Laparada District, whereby the petitioners have been summoned to appear before the said HGB-cum-President, GBWS, Laparada District on 20.07.2024 in connection with the complaint lodged against them by the respondent for non-payment of GST Tax. The petitioners have also assailed the impugned Inter Village Keba decision dated 07.08.2024, subsequently passed by the Inter Village Authority headed by the HGB-cum-President, GBWS, Laparada District in the said complain case.

**3.** The fact of the case leading to the filling of this civil revision petition is that on 12.07.2024, the sole respondent had filed a complaint before the President, Gaon Burah Welfare Society, Laparada District, Arunachal Pradesh against the petitioners for non-payment of GST Tax amounting to Rs. 4,83,500/- (Rupees Four Lakhs eighty three thousand five hundred only) for Government Tax after the payment of the first and final bills by using his firm, M/s L.A. Enterprises for construction of Panchayat Bhawan cum common Service Centre at 11A/12-Essi Chiku Gram Panchayat with sanction amount of Rs. 25,00,000/- (Rupees Twenty five lakhs only).

**4.** Pursuant to the said complaint, the HGB-cum-President, GBWS, Laparada District, Arunachal Pradesh has issued the above impugned Porwana (summon) dated 13.07.2024, whereby the said HGB-cum-President, GBWS, Laparada District has fixed an Inter Village Keba on 20.07.2024 at Bango Dere (Community Hall), Basar with a direction to bring their respective witnesses along with the evidence(s) by selecting the GBs from many villages from Basar and Sago Circle. Subsequently, the said HGB-cum-President, GBWS, Laparada

District has issued Re-Porwana(summon) dated 29.07.2024 by fixing the Inter Village Keba on 07.08.2024 with the same direction to the petitioners to bring their witnesses as well as the evidence(s) by selecting the GBs from many villages from Basar and Sago Circle.

**5.** On receipt of the said impugned Porwana (s), the petitioners have submitted a representation before the President of GHWS, Leparada District informing the president of the GHWS that as the petitioners belonged to the Essi Chiku village, as such, the village authority of Essi Chiku only has the jurisdiction to try the said case and it is not a case to be tried and decided by the Inter Village Customary Court, thereby, the petitioners clearly had indicated that the President of GHWS, Leparada District does not have the jurisdiction to held Keba into the case at Bango level Customary Court. However, despite of such representation, the President of GBWS, Leparada District had proceeded with the matter and conducted the Inter Village Keba and pass the impugned ex-parte Inter Village Keba order dated 07.08.2024. The Keba was held under the Chairmanship of Shri Henker Basar, HGB-cum-President, GBWS, Leparada District, whereby and by which the petitioners have been directed to pay 16%, amounting to Rs.386723.84/-(Rupees three lakhs eighty six thousand seven hundred and twenty three only) out of Rs.24,17,024/-(Rupees twenty four lakhs seventeen thousand and twenty four only).

**6.** It is submitted that the HGB-cum-President, GBWS, Leparada District has no power and jurisdiction to issue the impugned Keba(summons) dated 13.07.2024 and 29.07.2024 to the petitioners in the case, nor they have the jurisdiction to pass the impugned ex-parte Inter Village Keba order dated 07.08.2024 inasmuch as they are not the customary Court of the village as per

the Arunachal Pradesh Civil Court Act, 2021.

**7.** Being highly aggrieved, the petitioners are before this Court by filing this Civil Revision Petition, amongst other, on the grounds that the HGB-cum-President, GBWS, Laparada District has no jurisdiction to issue the impugned Keba summons dated 13.07.2024, 29.07.2024, and the said HGB-cum-President, GBWS, Laparada District also does not have the power and jurisdiction to pass the impugned ex-parte Inter Village Keba dated 07.08.2024; and by passing the said two summons and the impugned order dated 07.08.2024, the said HGB-cum-President, GBWS, Laparada District has exercised the jurisdiction not vested in it by law. Therefore, the learned counsel for the petitioners contended that the impugned summons dated 13.07.2024, 29.07.2024 and the order dated 07.08.2024, which was issued by the President, GBWS without any jurisdiction, requires to be set aside and quashed and prays accordingly.

**8.** Mr. Bam, learned counsel for the sole respondent fairly submits that infact as per the Arunachal Pradesh Civil Court's Act, 2021(amended from time to time), the HGB-cum-President, GBWS, Laparada District has no jurisdiction to issue the impugned Keba summons dated 13.07.2024, 29.07.2024 and he has no authority and jurisdiction to pass the impugned ex-parte Inter Village Keba order dated 07.08.2024 in the instant case.

**9.** The learned counsel for the respondent while conceding the submission made by the learned counsel for the petitioners submits that by issuing the impugned summons and subsequently passing the impugned order dated 07.08.2024, the HGB-cum-President, GBWS, Laparada District has exercised the jurisdiction not vested in it by law. Therefore, the learned counsel for the

respondent further submits that the above impugned summons and the order issued by the HGB-cum-President, GBWS, Laparada District needs to be set aside and quashed. However, the learned counsel for the respondent submits that while setting aside the impugned summons and the order, he may be given liberty to approach the appropriate forum for redressal of the grievances of the respondent.

**10.** Heard the learned counsel for both the parties and also perused the materials available on record. I have also gone through the relevant provisions of the Arunachal Pradesh Civil Court's Act, 2021 as shown.

**11.** Upon hearing the parties and on perusal of the records, it appears that a complaint was lodged by the respondent before the HGB-cum-President, GBWS, Laparada District against the petitioners. On receipt of such complaint, the HGB-cum-President, GBWS, Laparada District has issued the summons dated 13.07.2024 and 29.07.2024 without any jurisdiction. Not only that, the said HGB-cum-President, GBWS, Laparada District had went on to pass the impugned ex-parte Keba order dated 07.08.2024 without any jurisdiction.

**12.** From the records and the submission of the learned counsels for the parties, it appears that the jurisdiction to decide the complaint lodged by the respondent lies before the Essi Chiku Village and not before the Inter Village Territorial Customary Court or before the HGB-cum-President, GBWS, Laparada District. From the above, *prima facie*, it appears that by issuing the impugned summons dated 13.07.2024 and 29.07.2024 and the ex-parte order dated 07.08.2024, the HGB-cum-President, GBWS, Laparada District has exercised the jurisdiction not vested in it by law.

**13.** In view of the above and for the reasons as stated above, the impugned

Porwana (Keba summon) dated 13.07.2024 and Re-Porwana dated 29.07.2024, issued by the HGB-cum-President, GBWS, Laparada District and the subsequent impugned Inter Village ex-parte Keba decision dated 07.08.2024, passed by the HGB-cum-President, GBWS, Laparada District needs to be set aside and quashed. Accordingly, the same is set aside and quashed.

**14.** With the above, the present Civil Revision Petition stands allowed and disposed of.

**15.** However, it is made clear that the respondent is at liberty to approach the appropriate forum for redressal of his grievances.

**JUDGE**

**Comparing Assistant**