

GAHC040014212023



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

Case No. : WP(C)/504/2023

Kabak Bhatt

S/o Shri Kabak Taka, resident of Hollongi Village, P.O and P.S Balijan, Papum Pare District, Arunachal Pradesh and Presently residing at F Sector, P.O and P.S Naharlagun, Arunachal Pradesh, E mail bhattkabak@gmail.com, Contact 8132861839

VERSUS

The State of AP and 4 Others
represented by the Secretary, Land Management Department, Govt. of Arunachal Pradesh, Itanagar. 2:The Director

Age: 0

Occupation :

Land Management Department

Govt. of Arunachal Pradesh

Itanagar.

3:The Deputy Commissioner

Age: 0

Occupation :

Yupia

Papum Pare District

Arunachal Pradesh.

4:The Additional Deputy Commissioner

Age: 0

Occupation :

Balijan

Papum Pare District

Arunachal Pradesh.

5:Smti Biki Sapiong

Age: 0

Occupation :
D/o Shri Biki Nido
resident of Mowb-I
P.O and P.S Itanagar
Papum Pare District
Arunachal Pradesh

Advocate for the Petitioner : Marto Kato, R. Riba,M Tanga,Nyali Sora

Advocate for the Respondent : GA (AP), H K Jamoh,Eddie Payeng,Tony Pertin,for caveator,SC(Land Management),Dugmar Kamduk

-BEFORE-

HON'BLE MRS. JUSTICE MARLI VANKUNG

23.10.2024

ORDER (ORAL)

Heard Mr. M. Kato, learned counsel for the petitioner and Mr. D. Kamduk, learned Standing counsel for the Land Management Department representing respondent Nos. 1 & 2. Also heard Mr. S. Tapin, learned Sr. Govt. Advocate for respondent Nos. 3 & 4 as well as Mr. T. Pertin, learned counsel for respondent No. 5.

2. The learned counsel for the petitioner submits that the instant writ petition has been filed for setting aside the impugned order dated 28.09.2023 passed by the Addl. Deputy Commissioner, Papum pare District, Balijan, wherein, the LPC Certificate bearing No.ADC/BJN/LPC-03/2014 measuring 47961 Sq. Mtrs. and No. ADC/BJN/LPC-03/2014 for the plot of land measuring 49066 Sq. Mtrs. at Hollongi were recalled and cancelled. The learned counsel submits that the impugned order recalling and cancellation of those LPC's is liable to be set aside and quashed since the petitioner have followed the due procedure of law at the time when

the LPC's were issued in his favor. The learned counsel for the petitioner further submits that the said land and property was purchased by him, however, the respondent No. 5 to whom he was married during the period 2002 to 2010 has now claimed ownership over the said land, which resulted in passing of the impugned order dated 28.09.2023.

3. The learned counsel for the petitioner has brought to the notice of this Court that the respondent No. 5 had approached the Customary Court regarding the ownership of the said land which was decided in favor of the respondent No. 5 against which he has filed an appeal before the Senior Civil Judge, Yupia and the same is pending till date. The learned counsel for the petitioner, thus, prayed that during the pendency of the said case, the impugned order dated 28.09.2023 may be set aside or the operation of the impugned order be stayed.

4. Mr. T. Pertin, learned counsel for the respondent No. 5, on the other hand, submits that since the matter is pending before the Senior Civil Judge, Yupia, it would not be appropriate to stay the operation of the impugned order dated 28.09.2023 and further submits that the reason why the said impugned order was issued was because no notice was issued to the respondent No. 5 at the time when the said LPC's were issued in the name of the petitioner.

5. Having heard the submissions made by the learned counsel for both the parties, this Court, considering the fact that the issue of ownerships/title of the said land and property covered by the LPC's No. ADC/BJN/LPC-03/2014 measuring 47961 Sq. Mtrs. and No. ADC/BJN/LPC-03/2014 for the plot of land measuring 49066 Sq. Mtrs. at Hollongi, is pending before the Senior Civil Judge, Yupia, on appeal

against the decision of the Customary Court, concerning the ownership of the said land and property, this Court finds that it would be inappropriate at this stage to interfere with the impugned order dated 28.09.2023 by which the said LPC's were recalled and cancelled.

6. In view of the above, this Court finds that it would not be appropriate to pass any order either setting aside the impugned order dated 28.09.2023 or make any observation regarding the ownership of the said land and property at this stage, considering the fact that the matter is pending before the Senior Civil Judge, Yupia.

7. Accordingly, WP (C) No. 504 (AP) 2023 stands disposed of and the observations made by this Court above, shall not have any bearing on the findings/ decisions of the learned Senior Civil Judge, Yupia.

JUDGE

Comparing Assistant