

GAHC040015902023



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

Case No. : WP(C)/555/2023

Rakesh Kumar Bhagat
S/o Shri Lalan Bhagat, permanent resident of Harpurbeni, PO Rupali, PS Saraiya,
Dist Muzaffarnagar, Bihar and Presently residing at Raja Ali Road, Shyampalli, PO
and PS Tinsukia, Dist Tinsukia, Assam, Mobile No. 6909764370

VERSUS

The State of AP and 4 Others
Represented by the Secretary, Department of Political, Government of Arunachal
Pradesh, Civil Secretariat, Itanagar. 2:The Deputy Commissioner
Age: 0
Occupation :

3:The Officer in Charge
Age: 0
Occupation :

4:Mrs. Anem Youngja
Age: 0
Occupation :

5:Mrs. Motwa Kitnya
Age: 0
Occupation

Advocate for the Petitioner : C P Singpho

Advocate for the Respondent : GA (AP)

-BEFORE-

HON'BLE MR. JUSTICE SANJAY KUMAR MEDHI

23.01.2024

Shri R. L. Thungon, learned counsel for the petitioner submits that the *dasti* service upon the respondent Nos. 4 & 5 has been completed and in this regard he refers to the affidavit filed on 05.01.2024 in support of such *dasti* service.

The service upon respondent Nos. 4 & 5 is deemed to have been completed.

Shri Thungon by referring to the order, dated 23.11.2023 passed by this Court has submitted that the matter is of serious nature, wherein, the Inner Line Permit (for short, 'ILP') of the petitioner has been sealed and cancelled and the petitioner and his family members have been externed from Changlang.

This Court has also recorded that such action appeared to be in derogation of the established procedure of law.

Shri I. Riram, learned Addl. Sr. Govt. Advocate has submitted that the written instructions have been received which have been placed on record.

A perusal of the said instructions would show that the impugned action is not preceded by a due process of law as adequate opportunity as required have not been given to the petitioner.

In matters of present nature, which involves seizure/cancellation of ILP, the basic rights of the petitioner who was residing in the State are being seriously threatened and therefore, it is incumbent upon the authorities to ensure that due process of law is to be followed, which apparently has not been done in this case.

In view of the above discussions and taking into consideration, the

written instructions placed on record, the impugned order, dated 06.10.2023 passed by the Deputy Commissioner, Changlang, whereby the ILP of the petitioner has been cancelled and there was a direction for seizure is set aside.

Consequently, the seizure memo dated 07.10.2023 is also interfered with. It is, however, made clear that interference of this Court shall not preclude to the authorities to initiate a process recognized by law for such action.

A copy of the written instructions is made as a part of the record.

JUDGE

Comparing Assistant