



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

Case No. : WP(C)/564/2023

Likha Raj
S/o Lt. Likha Apo, R/o H-Sector Road P.O and P.S Itanagar, District Papum Pare,
Arunachal Pradesh.

VERSUS

The Deputy Commissioner and Anr.
Capital Complex, Itanagar, P.O Itanagar, Papum pare district, Arunachal Pradesh.

2:The Additional Deputy Commissioner cum Estate Officer
Age: 0
Occupation :
Itanagar Capital Complex
Itanagar
Arunachal Pradesh

Advocate for the Petitioner : T Torum

Advocate for the Respondent : GA (AP)

BEFORE
HONBLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 24.07.2024

Heard Mr. T. Torum, learned counsel for the petitioner. Also heard Ms. G. Ete, learned Additional Senior Government Advocate for the State respondents.

2. The present proceeding has been instituted by the petitioner herein, assailing an order dated 15.11.2023, passed by the Deputy Commissioner, Capital Complex, Itanagar, in an appeal proceeding so instituted by the petitioner against an order dated 03.07.2023 passed by the Estate Officer, Capital Complex, Itanagar.

3. The appellate authority vide the order dated 15.11.2023 so passed under the provisions of Section 12 of *the Arunachal Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 2003*, had held that the petitioner herein, had illegally encroached upon and made constructions over the plot of land, wherein, the Government quarter No. 40 & 41/T-III stands at H-Sector, Itanagar and accordingly, direction was issued to remove such illegal and unauthorised construction/structure from the plot where the said Government quarter stands.

4. Today, when the matter was taken up for consideration, the learned counsel for the petitioner has submitted that he has not encroached upon the land wherein the said Government quarter is so standing and in the event there is any encroachment so made by the petitioner herein, the respondent authorities are at liberty to demolish the same.

5. In view of the said categorical statement made herein, the jurisdictional Estate Officer, Capital Complex, Itanagar, shall in terms of the undertaking given by the petitioner hereinabove, proceed to verify as to whether the petitioner has actually occupied any portion of the land wherein the Government quarter No. 40 & 41/T-III stands at H-Sector, Itanagar and if it is found that any such encroachment and unauthorised structures have been created over such plot by

the petitioner, the Estate Officer shall without any further requirement of issuance of any notice, proceed to demolish such structures.

The above exercise shall be carried out within a period of 30 (thirty) days from today.

6. With the above observations and directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant