

GAHC040016782024



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

Case No. : WP(C)/573/2024

Kabsang Jurme
Son of Shri Dorjee Tenzin, Tashi Gaon Village, PO and PS Tuting, Upper Siang
District, Arunachal Pradesh.

VERSUS

The State of AP and 2 Ors
represented by the Commissioner/ Secretary, General Administration, Govt of
Arunachal Pradesh, Itanagar.

2:The Deputy Commissioner
Age: 0
Occupation :
Upper Siang District
Govt of Arunachal Pradesh
Yingkiong cum Forest Settlement Officer.

3:The Additional Deputy Commissioner
Age: 0
Occupation :
Upper Siang District
Govt of Arunachal Pradesh
Tuting

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

Advocate for the Respondent : GA (AP),

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 05-12-2024

Heard Mr. T. T. Tara, learned counsel for the petitioner. Also heard Mr. N. Lowang, learned Senior Government Advocate for the State respondents.

2. The grievance of the petitioner, being sought to be addressed in this petition under Article 226 of the Constitution of India, is that he filed 2 (two) writ petitions being WP(C)No.91(AP)/2020 and WP(C)94(AP)/2022 challenging the Gram Sabha Resolution dated 06.11.2013, the Deed of Agreement, dated 09.12.2013, the Certificate of Mutation and Non-Encumbrance Certificate, dated 30.10.2015 and the Preliminary Notification, dated 05.10.2018, by which the respondent authorities have proposed to constitute/declare the Idu Keba Village Forest Reserve. The petitioner also challenged the order dated 11.03.2020, issued by the Additional Deputy Commissioner, Upper Siang District, Tuting, by which he invited all the Head Gaon Burahs (HGBs), Gaon Burahs (GBs), public landowners, stakeholders and villagers to submit claims and objections and attend a meeting for the purpose of constituting the Village Forest Reserve (VFR). The said 2 (two) writ petitions was disposed of by a common judgment and order, dated 31.07.2024, by this Court with a direction to the respondent authorities to complete the process and constitute the Idu Keba VFR after convening a meeting as per the order dated 11.03.2020 issued by the Additional Deputy Commissioner of Tuting, in accordance with law.

3. Mr. Tara, learned counsel for the petitioner submits that in the common judgment and order dated 31.07.2024, this Court has issued a direction to

the respondent authorities to complete the process of constitution of Idu Keba VFR after convening a meeting, as per order dated 11.03.2020, passed by the Additional Deputy Commissioner, Tuting, in accordance with law, but till date, the said process has not yet been initiated, in view of not fixing any timeline for compliance of the direction in the aforementioned judgment. Therefore, Mr. Tara submits that this writ petition may be disposed of by directing the respondent authorities to complete the aforesaid process after hearing the claims and objections in terms of the order dated 11.03.2020.

4. Mr. Lowang, the learned Senior Government Advocate, appearing for the respondent authorities also submits that he has no objection in the event of disposing of this writ petition with the aforesaid direction.

5. Having heard the submissions of the learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and the judgement passed by this Court in WP(C)No.91/2020 and WP(C)94/2022, dated 31.07.2024 and also the order date 11.03.2020, issued by the Additional Deputy Commissioner, Upper Siang District, Tuting.

6. Taking note of the submissions of the learned Advocates of both the parties and also taking note of the direction issued by this Court vide judgment and order, dated 31.07.2024, specially in paragraph No. 28 and as agreed upon, this Court is inclined to dispose of this writ petition by directing the respondent authorities to constitute the Idu Keba Village Forest Reserve, after convening the meeting as per the order dated 11.03.2020, passed by the Additional Deputy Commissioner, Upper Siang District, Tuting, in accordance with law and the aforesaid exercise has to be carried out within a period of 2 (two) months from the date of receipt of the certified copy of this

order. The petitioner shall obtain a certified copy of this order and place the same before the respondent authority, within a period of 1 (one) week from today.

7. The writ petition stands disposed of, in terms above. In view of the facts and circumstances on the record, the parties have to bear their own cost.

JUDGE

Comparing Assistant