

GAHC040017802023



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

Case No. : WP(C)/637/2023

Amin @ Tamin Pangu
S/o Tanyong Pangu, A Permanent resident of Kaying Camp, P.O/P.S Kaying, District
Siang, Arunachal Pradesh. Mobile no. 6909852991

VERSUS

The State of AP and 2 Others
Represented through Secretary (Law and Judicial, Govt. of Arunachal Pradesh,
Itanagar, P.O/P.S Itanagar.

2:I/C Extra Assistant Commissioner

Age: 0

Occupation :

Kaying

District Siang

Govt. of Arunachal Pradesh

P.O/P.S Kaying.

3:Tanyong Pangu

Age: 0

Occupation :

F/O Shri Amin @ Tamin Pangu

village Kaying

P.O/P.S Kaying

District Siang

Arunachal Pradesh

Advocate for the Petitioner : T Tajom, Aso Dalbong, Y Pangu, Tabit Tapak

Advocate for the Respondent : GA (AP), William Yirang, Signal Yirang, Tabung Nonang, Wintet
Sawin, A Perme, Krishna Dubey, Lissing Perme

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 06-12-2024

Heard Mr. T. Tapak, learned counsel for the petitioner. Also heard Ms. R. Basar, learned Government Advocate appearing for respondents No. 1 & 2 and Mr. L. Perme, learned counsel for the respondent No. 3.

The challenge in the present proceeding is to order dated 17.07.2023, passed by the Circle Officer as i/c EAC Kaying, Siang District, Arunachal Pradesh entertaining an appeal filed by the respondent No. 3 herein against the Kebang decision.

Mr. Tapak, learned counsel for the petitioner has submitted that the Extra Assistant Commissioner, in charge, had entertained the appeal so filed by the respondent No. 3, herein, without jurisdiction, inasmuch as, in terms of the provisions of the Arunachal Pradesh Civil Courts Act, 2021 against a decision of the customary Court, an appeal would lie before the Court of the learned Civil Judge (Senior Division) or Civil Judge (Junior Division), as the case may be.

Mr. Perme, learned counsel for the respondent No. 3 has fairly submitted that the order dated 17.07.2023, was so passed by the Extra Assistant Commissioner, in charge, Kaying without jurisdiction and in violation of the provisions of the Arunachal Pradesh Civil Courts Act, 2021 inasmuch as he was not empowered to consider any such appeal from the decision of the village authorities.

Ms. R. Basar, learned Government Advocate has also submitted that the order, dated 17.07.2023, was admittedly passed by the Extra Assistant

Commissioner, in charge, Kaying without jurisdiction.

In view of the submissions made by the learned counsel appearing for the parties and it being an admitted position that the order, dated 17.07.2023, was passed by the Extra Assistant Commissioner, in charge, Kaying without jurisdiction and in violation of the provisions of the Arunachal Pradesh Civil Courts Act, 2021, the said order dated 17.07.2023, would call for an interference.

Accordingly, the order, dated 17.07.2023, passed by the Extra Assistant Commissioner, in charge, Kaying, in the appeal so preferred by the respondent No. 3 herein, against a decision of the village authority so pronounced on 30.05.2023, shall stand set aside.

The setting aside of the order dated 17.07.2023 shall not preclude the respondent No. 3 to institute appropriate proceedings in accordance with law, to challenge the decision of the village authorities, so pronounced on 30.05.2023, which was the subject matter of challenge in the appeal instituted before the Extra Assistant Commissioner, Kaying.

In view of the above observations and directions, the present writ petition stands allowed.

JUDGE

Comparing Assistant