

GAHC010100732023



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

Case No. : WP(C)/2554/2023

SHRI PELI NYICYOR
R/O-TANGO VILLAGE, DIST- LOWER SIANG, ARUNACHAL PRADESH, PIN-
791125

VERSUS

THE UNION OF INDIA and 4ORS
REPRESENTED BY THE SECRETARY (POWER), MINISTRY OF POWER,
GOVERNMENT OF INDIA, SHRAM SHAKTI BHAWAN, RAFI MARG, NEW
DELHI- 110001.

2:THE STATE OF ARUNACHAL PRADESH
REPRESENTED BY THE SECRETARY
DEPARTMENT BY THE SECRETARY
DEPARTMENT OF LAND MANAGEMENT
GOVERNMENT OF ARUNACHAL PRADESH
ITANAGAR
PIN-791111

3:NHPC LTD.

REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR
HAVING ITS REGISTERED OFFICE AT - NHPC OFFICE COMPLEX
SECTOR 33
FARIDABAD
HARYANA
PIN- 121003.

4:THE EXECUTIVE DIRECTOR

SUBANSIRI LOWER HYDRO DLECTRIC PROJRCT
NHPC LTD
GERUKAMUKH
P.O. GERAAMUKH

DIST DHEMAJI
ASSAM
PIN- 791125.

5:THE DEPUTY COMMISSIONER

LOWER SIANG DIST- LIKABALI
ARUNACHAL PRADESH
PIN- 79112

For the Petitioner(s) : Mr. A. Chetry, Advocate
For the Respondent(s) : Mr. A. R. Gogoi, Standing Counsel
: Mr. A. Chandran, Addl. Sr. GA

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 17.12.2024

Mr. A. Chetry, the learned counsel appearing on behalf of the Petitioner in the instant writ petition submits that there has been no acquisition proceedings initiated under the applicable provisions of law. He therefore submits that without there being a valid acquisition, the land of the Petitioner as well as the benefits attached to the lands as well as arising to the lands cannot be appropriated by the State without following the due process. The learned counsel however submits that on a completely incorrect legal advice, the instant writ petition has been filed seeking benefits and as such, he has been instructed by the Petitioner to withdraw the writ petition. He therefore submits that the action on the part of the State to appropriate the land as well as what were attached and benefits arising on the land being illegal, the Petitioner be given the liberty to challenge the same.

2. This Court during the course of hearing had also enquired with Mr. A. Chandran, the learned Additional Senior Government Advocate, State of Arunachal Pradesh as to whether any proceedings have been initiated under the applicable acquisition Acts. The learned Additional Senior Government Advocate submits that to his instruction, there is no acquisition proceedings initiated. However, there were certain attempts being made to make settlements so that the project of the National Hydroelectric Power Corporation could be set up.

3. Mr. A. R. Gogoi, the learned Standing counsel appearing on behalf of the National Hydroelectric Power Corporation submits that as regards the withdrawal of the Petition, he has no objection. However, the liberty so granted should be subject to keeping the maintainability as well as the entertainability of such writ petitions open.

4. Taking into account the above submissions, this Court closes the instant writ petition on withdrawal.

5. However, this Court grants the liberty to the Petitioner to challenge the purported exercise of the State Authorities to deprive the Petitioner of his lands as well as the benefits arising out of the said land. It is made clear that the liberty so granted would be subject to keeping the maintainability as well as the entertainability of the writ petition open.

JUDGE

Comparing Assistant