GAHC040007202025

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

Case No. : CRP/44/2025

Yangbiu Raju
Son of Shri Late Yangbiu Tajik, resident of Chimpu Village, PO RK Mission, PS Chimpu, ICR, Papum Pare District, Arunachal Pradesh.

VERSUS

Biri Tabiak and 5 Ors
S/o W/o Late Biri Takia, resident of Chimpu, PO RK Mission, PS Chimpu, ICR, Papum Pare District, Arunachal Pradesh.

2:Tana Kuli
HGB
Age: 0
Occupation :
Head Gaon Burah of Chimpu Village
PO RK Mission
PS Chimpu
ICR
Papum Pare District
Arunachal Pradesh.

3:Gyamar Sikap
Age: 0
Occupation :
Member Secretary
Boundary Negotiation Committee
Chimpu
PO RK Mission
PS Chimpu
ICR
Papum Pare District
Arunachal Pradesh.

4:Nabam Nikhi
HGB
Age: 0
Occupation :
Head Gaon Burah of Hollongi Village
PO and PS Balijan
Papum Pare District
Arunachal Pradesh.

5:Nguri Kyokam
Age: 0
Occupation :
resident of Chimpu
PO RK Mission
PS Chimpu
ICR
Papum Pare District
Arunachal Pradesh.

6:Nguri Tariak
Age: 0
Occupation :
resident of Chimpu
PO RK Mission
PS Chimpu
ICR
Papum Pare District
Arunachal Pradesh

Advocate for the Petitioner : Sumit Chhetri, T Lampung,Tai Dool

Advocate for the Respondent : Pritam Taffo, Sr. Adv, V Mandal,Preety Moyong,Tana Rini,Eho Menjo,Minter Karbak

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

Date : 12.10.2026

Heard Mr. S. Chhetri, learned counsel for the petitioner and Mr. P. Taffo, learned Senior Counsel assisted by Ms. M. Karbak, learned counsel for the

respondent No. 1. None appears for the remaining respondents despite service of notice.

[2.] By filing this Civil Revision Petition under Article 227 of the Constitution of India read with Section 151 of the CPC, the petitioner has assailed the Order dated 11.02.2025 passed by the Extra Assistant Commissioner(EAC)-cum-Executive Magistrate, Capital Itanagar on the ground that the EAC-cum-EM has no jurisdiction to adjudicate the case in view of the amendment of the Arunachal Pradesh Civil Courts Act, 2021, which came into force on the date of its publication in Arunachal Pradesh Gazette on 12.04.2021 and the Arunachal Pradesh Civil Courts (Amendment) Act, 2022, which came into force w.e.f. 15.11.2022.

[3.] The learned counsel for the petitioner submits that the grievance of the petitioner is with regard to the certain plot of land located at Dapo Yarlo between Chimpu to Hollongi boundary. According to the petitioner, he has been occupying his land in that location for many years since the year 2007 but all the while, the respondent No. 1 has made a claim over the said plot of land and for which reason, the petitioner approached the Gaon Burah, Chimpu Panchayat, Papum Pare district seeking clarification on 21.10.2024. In response of the same, the Gaon Burah, Chimpu Panchayat issued a Circular on 23.10.2024 requesting all the Panchayat Leaders**,** Gaon Burahs and Public of Chimpu Panchayat Area to adjudicate the Local Kebang on 31.10.2024 at 08:00 AM in the Saturday Market Chimpu.

[4.] Following the Circular, summon request was issued to all those concerned. However, the respondent No. 2 who is the Head Gaon Burah of the Chimpu Panchayat, cancelled the meeting scheduled to be held on 31.10.2024 vide his

Circular-cum-Order Copy dated 29.10.2024 on the ground that the Circular dated 23.10.2024 was not issued with his consent. The petitioner, therefore, submitted a complaint before the respondent No. 2 requesting him to make a clarification and verification of the land dispute by conducting a local kebang. Since the respondent No. 2 failed to give any response, the petitioner approached the Deputy Commissioner, Itanagar Capital Region by requesting for a direction to conduct a meeting to settle the dispute vide his Letter dated 18.12.2024. The Deputy Commissioner through their EAC (Judicial) then asked the respondent No. 2 vide Letter dated 24.12.2024 to settle the matter through Mel.

[5.] The respondent No. 2, however, wrote back to the Deputy Commissioner on 27.12.2024 informing his inability to organize the Mel due to poor health condition. The Deputy Commissioner then asked the Gaon Burah of Chimpu Panchayat, who had issued Circular dated 23.10.2024, for conducting a Mel in connection with the disputed land for settlement. Accordingly, the Gaon Burah issued a Circular on 03.02.2025 notifying that Local Kebang will be held at the Committee Hall Chimpu on 08.02.2025 for amicable settlement of the disputed land and all the Panchayat Leaders, GB's and Various Publics of Chimpu Panchayat Area were requested to attend the Local Kebang positively. But, before the Mel could be held, the respondent No. 2 vide his Letter dated 04.02.2025 informed the Deputy Commissioner that in fact the disputed land had already been declared in favour of the respondent No. 1 and respondent No. 6 in a meeting that was held on 15.06.2005. Along with his Letter, the respondent No. 2 enclosed a copy of the Land Declaration dated 15.06.2005. The EAC (Judicial), Capital Itanagar, therefore, summoned all the parties concerned to appear before him on 11.02.2025 at 1100 hours for hearing the

case, while asking the notice receivers to appear with all the documents in original relating to the dispute.

[6.] Consequently, vide Order dated 11.02.2025, the EAC (Judicial) passed an Impugned Order in the form of executing the land declaration made on 15.06.2005, aggrieved the petitioner is before this Court through the instant revision petition.

[7.] The learned counsel for the petitioner submits that the EAC does not have any power to adjudicate the matter or pass an Order such as the Impugned Order under challenge, in view of the fact that it is the Village Authorities who can adjudicate the case of such nature in dispute between the local parties. Again, such a decision an appeal would lie before the Civil Courts in terms of the Arunachal Pradesh Civil Courts Act as amended. He submits that the EAC (Judicial) has, therefore, acted beyond his jurisdiction in adjudicating the matter through the Impugned Order.

[8.] Mr. P. Taffo, learned Senior Counsel, on the other hand, submits that it is the petitioner himself, who had approached the Deputy Commissioner and therefore, the petitioner cannot have any grievance against the Impugned Order passed by the EAC (Judicial). He also submits that in fact the Impugned Order is not an Order by which the EAC (Judicial) has adjudicated the matter but rather an Order for executing the land declaration made on 15.06.2005 on the consensus arrived at by them, Gaon Burahs involved and the Members of the Boundary Negotiation Committee.

[9.] It may, however, be seen that as per the Arunachal Pradesh Civil Courts (Amendment) Act, 2022, there is an amendment in Section 10 by incorporation

of Sub-Section i.e., Sub-Section (4). Sub-Section (4) of Section 10 is abstracted hereunder for ready perusal:-

> "*(4) Notwithstanding anything contained in this Act or any other law for the time being in force, whenever a Civil suit is instituted for trial by the village authorities, the concerned local administrative officer(s) of the area shall continue to facilitate and refer back the case to the concerned village authorities, for trial under the provisions of the Assam Frontier (Administration of Justice) Regulation, 1945".*

[10.] From the above abstract, it may be seen that although the Deputy Commissioner and the Officers of the District Administration are not vested with the power to adjudicate the dispute, they are still involved in facilitating the adjudication by the Village Authorities by referring the case back to the said authorities. In the instant case, it is seen that although land declaration was made by the Village Authorities and the Boundary Negotiation Committee Members but the fact remains that the same cannot be constituted as a decision since, there is no indication that the claim of all the interested parties have been taken into account.

[11.]Therefore, having regard to the nature of the grievance projected by the petitioner, the Deputy Commissioner or his EAC (Judicial) ought to have referred the matter to the Village Authorities for consideration in terms of Section 10(4) of the Arunachal Pradesh Civil Courts (Amendment) Act, 2022. The same having not been done and having regard to the limited powers of the Deputy Commissioner and the EAC, the Impugned Order dated 11.02.2025 is found to be not sustainable and the same is set aside.

[12.] The petitioner shall now file a fresh application before the Deputy Commissioner, Itanagar Capital Complex seeking for reference of the matter

before the Competent Village Authorities within a period of two (2) weeks from today. The Deputy Commissioner, on receipt of the same shall refer the matter forthwith to the Competent Village Authority within a period of ten (10) days from the date of receipt of the said application.

[13.]With the above observations and directions, the instant civil revision petition stands disposed of.

JUDGE

Comparing Assistant