GAHC040010132026

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

Case No. : CRP/57/2026

Doi Riba
Son of Late Nyado Riba, a permanent resident of Village Regi, PO and PS Basar, Leparada District, Arunachal Pradesh.

VERSUS

Momar Dirchi
Son of Shri Jummo Dirchi, a permanent resident of Disi Village, PO and PS Basar, Leparada District, Arunachal Pradesh.

Advocate for the Petitioner : Kemo Lollen, Mepe Ete,Tojum Tao,Maryum Sora,Geli Taye,D Ado

Advocate for the Respondent : Marto Kato, Oli Jerang,Tony Meto,Kamin Teri,Yasmin Gao,Nyali Sora

BEFORE
HONOURABLE MRS. JUSTICE YARENJUNGLA LONGKUMER

ORDER

05.11.2026

This application under Article 227 of the constitution of India has been filed by the petitioner praying for quashing of the impugned letter dated 22.05.2026 issued by the Head Gaon Burah (hereinafter, referred as HGB) of Disi Village, Leparada District, Arunachal Pradesh, whereby the complaint filed by the petitioner

dated 22.05.2026 against the sole respondent has been returned and recommended to the appellate Inter Village Territorial Customary Court, Basar, Leparada District (hereinafter, referred as IVTCC) for further necessary action in violation of the provisions OF THE Assam Frontier (Administration of Justice) Regulation, 1945 (hereinafter, referred as Regulation of 1945) and the Arunachal Pradesh Civil Courts Act, 2021 (hereinafter, referred as Act of 2021).

2. The petitioner has also assailed the legality of the impugned *ex-parte* Keba decision dated 19.06.2026 passed by the General Assembly of Disi Village under the chairmanship of the GB (hereinafter, referred as GB) of Disi Village, whereby the land dispute between the petitioner and the sole respondent has been decided *ex-parte* and the private ancestral land of the petitioner has been declared as Community land without giving opportunity of hearing to the petitioner.

3. Heard Mr. K. Lollen, learned counsel for the petitioner and Mr. M. Kato, learned counsel appearing for the sole respondent.

4. The facts leading to filing of this revision as projected in the revision petition is that the disputed land at Disi Village is the private ancestral land of the petitioner and the same was in peaceful possession of the petitioner's family since time immemorial.

5. In the year 2023, some neighbors had encroached the plot of land where the petitioner resided and therefore, the petitioner filed a complaint dated 03.04.2023 before the HGB of Disi Village and

pursuant thereto, a Porwana was issued on 10.04.2023 and Keba was fixed on 12.04.2023. The Keba members decided the disputed land to be the ancestral land of the petitioner and the petitioner also declared before the Keba that he shall not allow anyone to encroach into the petitioner's land.

6. In the meantime, the father of the sole respondent who is the neighbor of the petitioner at Disi village started encroaching upon the petitioner's residential land and accordingly, the petitioner on 22.12.2025 filed a complaint before the HGB of Disi village against the father of the sole respondent with regard to the alleged land encroachment. By filing the said complaint, the petitioner requested the HGB of Disi village to conduct the village level Keba regarding land encroachment by the father of the sole respondent.

7. After filing of the complaint before the HGB of Disi village, the petitioner was of the bonafide belief that the HGB of Disi village will issue porwana and that Keba will be conducted at the village level, however, on 22.05.2026, the impugned letter dated 22.05.2026 was received by the petitioner from the HGB of Disi village whereby the HGB of Disi village endorsed the complaint of the petitioner to the IVTCC, Basar for further necessary action.

8. After issuing of the Keba porwana by the IVTCC, Basar, the petitioner submitted representation before the Sub-Divisional Officer, Leparada District, Basar with a prayer for cancellation of the Keba porwana issued by the IVTCC, Basar and to remand the case

to the village authority. The petitioner further states that in the meantime, the petitioner again received a Keba porwana dated 15.06.2026 issued by the GB of Disi village who is the Keba chairman of Disi village stating that on 09.06.2026, a complaint had been received by the HGB of Disi village from Intellectual, PRI Members, Senior Citizens, Youth, Elders etc in respect of the disputed land where the respondent family had made a declaration that the disputed land belongs to them and further, the petitioner had also lodged a complaint regarding encroachment of land in Aale Jhum land, Dodo field. Therefore, to resolve the issue, a Keba was fixed on 19.06.2026 at Disi Community Hall (Dere) and the petitioner and the respondent have both been requested to attend the Keba.

9. The further submission of the petitioner is that he could not attend the Keba fixed on 19.06.2026 owing to prior engagement fixed on the same day. However, in a most arbitrary manner, the General Assembly of Disi village issued an *ex-parte* Keba decision on 19.06.2026 whereby several resolutions were issued against him.

10. Being highly aggrieved by the impugned letter dated 22.05.2026 referring the complaint of the petitioner to the IVTCC, Leparada District, Basar and also being aggrieved with the impugned resolution of the General Assembly of Disi village, Leparada District, Basar dated 19.06.2026, the petitioner is before this Court on the ground that the HGB of Disi village being the first instance customary court under the Act of 2021 is bound to adjudicate the complaint filed by the petitioner but instead the

HGB of Disi village had endorsed the complaint to the appellate IVTCC, Basar. Another ground which the petitioner has taken is that the village authority is recognized as the customary court in terms of the Act of 2021 but the General Assembly of Disi village passed the impugned *ex-parte* Keba decision on 19.06.2026. It is the case of the petitioner that his complaint should have been adjudicated by the village authority as per the Regulation of 1945 read with the Act of 2021 as the village authority is the customary court of first instance. Therefore, the impugned *ex-parte* Keba decision dated 19.06.2026 passed by the General Assembly of Disi village is non-est in the eye of law.

11. The learned counsel Mr. M. Kato appearing for the sole respondent has fairly submitted that the proceedings in the instant case have not been conducted in accordance with the provisions of the Regulation of 1945 and the Act of 2021 and he, therefore, prays that this Court may remand the matter back to the village authority for adjudication in accordance with law.

12. In view of the consensus submissions made by the learned counsel for the parties, this petition is disposed of, with a direction to the parties to appear before the HGB of Disi village within a period of one week from today and the said village authority shall fix a date for adjudication of the matter. Thereafter, the Disi village authority shall adjudicate the matter in accordance with law and arrive at a fresh decision.

13. Resultantly, the impugned letter dated 22.05.2026 issued by the HGB of Disi village referring the complaint to the IVTCC, Basar is set aside and quashed and further, the impugned *ex-parte* Keba decision dated 19.06.2026 passed by the General Assembly of Disi village under the Chairmanship of Shri Sento Riba, GB of Disi village is also set aside and quashed as being passed without jurisdiction.

With the above directions and observations, this petition is disposed of.

JUDGE

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by Talom Tali
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