GAHC040015992025 2026:GAU-AP:1193

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

Case No. : Crl.Petn./210/2025

Tarh Hari
Son o Shri Tarh Chatum, resident of Lekhi Village, PO and PS Nirjuli, Papum Pare District, Arunachal Pradesh. 791110

VERSUS

The Deputy Commissioner and 2 Ors
Yupia, Papum Pare District, Arunachal Pradesh.

2:The Executive Magistrate cum SDO
Age: 0
Occupation :
Doimukh
Papum Pare District
Arunachal Pradesh.

3:Gyamar Takar @ Bharat
Age: 0
Occupation :
Son of Late Gyamar Tajik
resident of village Yupia-I
PO and PS Doimukh
Papum Pare District
Arunachal Pradesh 79111

Advocate for the petitioner : Mr. Michi Nibo

Advocate for the respondent : Ms. Topi Jini, Addl. PP (AP)

BEFORE

HON'BLE MR. JUSTICE SANJEEV KUMAR SHARMA

Date on which judgment is reserved : 23.11.2026

Date of pronouncement of judgment : 26.11.2026

Whether the pronouncement is of the operative part of the judgment ? : N/A

Whether the full judgment has been pronounced? : Yes

JUDGMENT & ORDER (CAV)

(Sanjeev Kumar Sharma, J)

Heard Mr. Michi Nibo, learned counsel for the petitioner. Also heard Ms. Topi Jini, learned Public Prosecutor for the State of Arunachal Pradesh. None appears for respondent No. 3.

2. By this application under Section 528 of the BNSS, 2023, the petitioner has challenged the order dated 28.07.2025, issued by the Executive Magistrate, Doimukh, whereby the Executive Magistrate, in exercise of powers under Section 164 of the BNSS, has directed the petitioner to stop the land development or quarrying activities in the disputed land, situated at Yupia-I.

3. Mr. Nibo, learned counsel for the petitioner, submits that the petitioner holds a land possession certificate in respect of the land situated at Lekhi

Village, which falls within the jurisdiction of the Deputy Commissioner, Itanagar Capital Complex, and not within the jurisdiction of the Executive Magistrate, Yupia-I.

4. The particulars of the Land Possession Certificates (LPCs) issued in the name of the petitioners are as follows:

(i) No.1 DC/ICC/LM/LPC-1002/19, dtd., 10/12/2019, measuring area of 16,680 Sqmtrs.)

(ii) No.2 DC/ICC/LM/LPC- 409/19, dtd. 06/11/2019, (for an area of 50,000 Sqmtrs.)

(iii) No.3 DC/ICC/LM/LPC-410/19, dtd. 06/11/2019, (for an area of 49,878 Sqmtrs.)

(iv) No.4 DC/ICC/LM/LPC-1004/19, dtd. 10/12/2019, (for an area of 27,358.5 Sqmtrs.), and

(v) LPC No.5 DC/ICC/LM/IPC-1005/19, dtd. 19/12/2019, (for an area of 26,680 Sqmtrs.)

Total Area = 1,70,596.5 Sqmtrs. duly issued by competent authority.

5. It is submitted that the Executive Magistrate-cum-SDO, Papum Pare District, Doimukh, Government of Arunachal Pradesh, who is arrayed as respondent No. 2 in the instant criminal petition, has issued the impugned Executive Order No. DMK/JUD-01/2025/101, dated 28.07.2025, addressed to

the Officer-in-Charge, Police Station, Doimukh, District Papum Pare, directing the immediate stoppage of the petitioner's land development activities within the premises of the land covered by the petitioner's Land Possession Certificate (LPC). The Executive Magistrate-cum-SDO, Doimukh, District Papum Pare, has not only wrongfully issued the Executive Order dated 28.07.2025 but has also acted without jurisdiction and without affording the petitioner an opportunity of being heard.

6. Furthermore, the petitioner's request, made on the ground of lack of jurisdiction, through an application dated 31.07.2025, was also completely ignored. Therefore, the Executive Order dated 28.07.2025 is liable to be set aside and quashed in the interest of justice.

7. It is further submitted that the private respondent, i.e., respondent No. 3, has instituted a Title Suit, being Title Suit No. 27/2022, which is pending before the Court of the Civil Judge (Senior Division), Yupia. It is contended that all the lands claimed by respondent No. 3 in the said suit are situated in Yupia Village, under Doimukh Circle of Papum Pare District, with which the petitioner has no concern. On the other hand, all the lands in the possession of the petitioner, in respect of which the aforesaid Land Possession Certificates have been issued, are situated at Lekhi Village, under Naharlagun Administrative Circle of Itanagar

Capital Region, and the said certificates have been duly issued by the competent authority of the Itanagar Capital Region Administration. Therefore, it is contended that the Executive Magistrate-cum-SDO, Papum Pare, has no jurisdiction to issue the impugned order, inasmuch as the lands belonging to the petitioner fall outside his territorial jurisdiction.

8. Respondent No. 2, the Sub-Divisional Officer, Doimukh, District Papum Pare, has submitted an affidavit-in-opposition stating that correspondence had been made with the Deputy Commissioner, ICC, and the Deputy Commissioner, Papum Pare (Rural), seeking clarification regarding the jurisdiction of the respective authorities and authentication of the LPCs issued to the petitioner. However, at the time of filing the said affidavit-in-opposition, no reply had been received. It is further stated that the impugned order was issued to prevent any law and order situation, as there was considerable overlap between the lands claimed by the petitioner and respondent No. 3, owing to a change in the course of the river, which formed the boundary between Lekhi, Naharlagun, and Yupia, Papum Pare.

9. The petitioner, by filing an additional affidavit on 30.11.2026, has stated that, during the pendency of the instant criminal petition, the private respondent No. 3 lodged an FIR against the petitioner, alleging forgery and

fraud in obtaining the LPCs in respect of the land in question. Accordingly, the Officer-in-Charge, Doimukh Police Station, registered a case, being DMK PS Case No. 77/26, under Sections 61(2)/318(4)/336(3)/3(5) of the BNS. During the course of investigation, the learned Deputy Commissioner, ICR, Itanagar, vide letter No. DC-ICC-17012/91/2026 (E-328218), dated 22.07.2026, clarified that all six LPCs issued to the petitioner had been issued by their office and were found to be genuine. A copy of the clarification letter dated 22.07.2026, issued by the Deputy Commissioner, ICR, Itanagar, has also been annexed to the said additional affidavit.

10. Furthermore, it is also stated that the District Land Revenue & Settlement Officer (in short, DLRSO), Papum Pare District, Yupia, in response to the query made by the Officer-in-Charge, Police Station, Doimukh, regarding the administrative jurisdiction of the said location, has clarified that the LPC lands of the petitioner are located at Lekhi Village, under Naharlagun Circle, and fall within the administrative jurisdiction of the Deputy Commissioner (in short, DC), ICR, Itanagar, vide letter No. DLRSO/DISPUTE/PP-352/25, dated 25.08.2026. The said letter of the DLRSO has been obtained through an RTI application. A copy of the said letter dated 25.08.2026 has also been annexed to the Additional Affidavit.

11. It is further stated that the petitioner submits that the learned Deputy Commissioner, ICR, Itanagar, vide Order No. DC-ICC-12028/1/2026 (E-287483), dated 12.10.2026, has disposed of the representation submitted by private respondent No. 3, seeking cancellation of the petitioner's LPCs in question. The learned Deputy Commissioner, ICR, Itanagar, has confirmed the genuineness of the said LPCs and disposed of the matter, copy of which has been annexed to the Additional Affidavit.

12. The learned Additional Public Prosecutor does not dispute the genuineness of the documents annexed to the additional affidavit, as referred to hereinabove, or the facts stated by the petitioner in the said additional affidavit.

13. From the above, it appears that the lands of the petitioner, in respect of which the aforesaid Land Possession Certificates have been issued, are situated outside the territorial jurisdiction of the Executive Magistrate-cum-SDO, Doimukh, District Papum Pare. Consequently, the impugned order dated 28.07.2025 issued by the said authority is without jurisdiction and is accordingly set aside.

14. The petition stands disposed of.

JUDGE

Comparing Assistant