

IN THE GAUHATI HIGH COURT

(THE HIGH COURT OF ASSAM: NAGALAND: MIZORAM & ARUNACHAL PRADESH)

ITANAGAR PERMANENT BENCH (NAHARLAGUN)

WP(C) 121 (AP)2013 with MC(WP) 18 (AP) 2015

Mudirijo Welfare Society,
Represented by the President Kipa Tagung Mudirijo,
6 KM, Lugalaya Mandir, Itanagar,
Arunachal Pradesh.

..... Petitioner.

– VERSUS –

1. The Govt. of Arunachal Pradesh, represented through the Secretary, (Urban Development & Town Planning) Govt. of Arunachal Pradesh, Itanagar.
2. The State Election Commissioner, Govt. of Arunachal Pradesh, Itanagar.
3. The Deputy Commissioner, Capital Complex, Itanagar.

..... Respondents.

Advocate for the Petitioner: Mr. Muk Pertin, Şr. Advocate.

Advocate for the Respondents: Mr. A. Apang, SC (State Election Commissioner)
Mr. P. Taffo SC (UD & Housing)
Ms. R. Basar, State counsel

::BEFORE::

HON'BLE MR. JUSTICE NANI TAGIA

JUDGMENT AND ORDER (Oral)

03.09.2019

Heard Mr. M. Pertin, learned Senior counsel for the petitioner and Mr. P. Taffo, learned Standing counsel for the Department of Rural Development, representing respondent No.1. Also heard Mr. A. Apang, learned Standing counsel for the State Election Commissioner, representing respondent No.2 as

well as Ms. R. Basar, learned Junior Govt. Advocate for the State respondent No.3.

2. At the outset, Mr. Mr. P. Taffo, learned Standing counsel for the Department of Rural Development, representing respondent No.1 has submitted that the issue raised in the present writ petition does not pertain to the Urban Development Department, rather it pertains to the Department of Town Planning and Urban Local Bodies, for which there is a separate Directorate as well as Secretary to the Govt. of Arunachal Pradesh.

3. This writ petition has been filed seeking a direction from this Court to exclude the Mudirijo village from the Municipal Area of Itanagar, on the ground that without including the Mudirijo village under Itanagar Municipal Area vide notification dated 06.02.2012, issued by the Secretary to the Govt. of Arunachal Pradesh, Urban and Town Planning, Govt. of Arunachal Pradesh, Itanagar, vide No.DTPMUN-02/2008-2009 issued under Section 6 of the Arunachal Pradesh Municipal Act, 2007, the respondent authorities have constituted Mudirijo village as one of the Ward for Itanagar Municipality vide notification dated 01.06.2012, issued by the Secretary, Department of Town Planning, Govt. of Arunachal Pradesh.

4. Be that as it may, in view of the fact that inclusion or exclusion of any area within/or from the Municipal area is done by the State government through the Department of Town Planning and Urban Local Bodies, which department has not been arrayed as a party respondent in the present case, as such, no any effective relief can be given by this Court in the present writ petition to the petitioner; and, also having regard to the fact that this writ petition is pending since the year 2013, I deem it appropriate to dispose of this writ petition with a liberty granted to the writ petitioner to submit a representation before the Secretary, Town Planning and Urban Local Bodies, Govt. of Arunachal Pradesh, who is stated to be the appropriate authority to deal with the inclusion or exclusion of any area of the Municipal area of Itanagar.

5. Accordingly, this writ petition is disposed of with a liberty granted to the writ petitioner to file an appropriate representation, highlighting the grievances

of the petitioner before the Secretary, Town Planning and Urban Local Bodies, Govt. of Arunachal Pradesh and, on such representation being filed by the petitioner, the Secretary, Town Planning and Urban Local Bodies, Govt. of Arunachal Pradesh shall deal with the representation so submitted by the writ petitioner in accordance with law. As and when the representation is submitted by the petitioner, the Secretary, Town Planning and Urban Local Bodies, Govt. of Arunachal Pradesh would take up the grievances of the petitioner in right earnest; and, consider and dispose of the representation so submitted by the petitioner as expeditiously as possible and in any case not later than 2(two) months from the date of receipt of the representation.

With the above direction, this writ petition is **disposed of**.

JUDGE

Pura