

THE GAUHATI HIGH COURT  
 (HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR, TRIPURA  
 MIZORAM AND ARUNACHAL PRADESH)  
 ITANAGAR PERMANENT BENCH  
NAHARLAGUN

Appeal from  
 Writ Petition (Civil)

W.P. No. 474 (AP) 2010

Shri Baplakshmi Chiba  
 -Versus-

The State of Assam

Appellant  
 Petitioner

Respondent  
 Opposite Party

Counsel for the Appellant

Petitioner K. Ete  
 N. Ratan  
 M. Kato  
 D. Padu  
 K. Tasso  
 G. Kato

Counsel for the Respondent

Opposite Party G.A. (AP)

Noting by Officer or Advocate	Serial No.	Date	Office, note, reports, orders or Proceeding with signature
(1)	(2)	(3)	(4)

IN THE MATTER OF:

Shri Baplalum Chiba  
S/O Shri Chomso Chiba,  
Permanent resident of Loliang Village,  
P.O/P.S- Tezu, Lohit District, Arunachal  
Pradesh.

.....PETITIONER

-versus-

1. The State of Arunachal Pradesh  
represented by the Chief Secretary,  
Govt. of Arunachal Pradesh, Itanagar.
2. The Secretary, Department of  
Tourism,  
Govt. of Arunachal Pradesh, Itanagar.
3. Director, Department of Tourism,  
Govt. of Arunachal Pradesh, Itanagar.
4. Deputy Commissioner, Lohit District,  
Tezu, Arunachal Pradesh.

.....RESPONDENTS.

**BEFORE  
THE HON'BLE MR. JUSTICE HRISHIKESH ROY**

**18.1.2011**

Heard Mr. K. Ete, learned Counsel appearing for the petitioner. The respondents are represented by Mr. R.H. Nabam, learned Senior Government Advocate.

2. The petitioner who secured a 5 year lease in the year 2004, for the Government owned tourist lodge at Tezu at an annual rent of Rs.35,000/- (Rupees thirty five thousand), challenges the tender notice dated 19.11.2010 issued by the Deputy Commissioner of Lohit District for fresh lease of the Government tourist lodge.

3. Mr. Ete contends that during the substance of the lease, due to renovation work undertaken by the Rural Works Department, between April 2007 to March 2008, the earnings from the tourist lodge was effected and accordingly the petitioner should have been considered for extension of lease as prayed for, through representation made by the petitioner.

4. Mr. R.H. Nabam on the other hand, has relied upon the counter affidavit to submit that no loss is suffered by the petitioner for the nominal annual rent of Rs.35,000/- (Rupees thirty five thousand) paid for the leased property since during September 2007 to October 2010 the petitioner had sublet the tourist lodge to a private company at a monthly rent of Rs.35,000/- (Rupees thirty five thousand) per month and he has earned huge profit, even during the period, when the lodge was under renovation.

5. I find from Clause 12 of the lease agreement that the lessee shall not have any right to claim extension of the lease period. Since the petitioner took possession of the tourist lodge on 17.12.2005, the 5 years lease term expired on 17.12.2010. Therefore the petitioner can't have any right to keep the Government tourist lodge under his possession beyond 17.12.2010, on the strength of the lease agreement dated 6.7.2004.

6. Furthermore, from the information furnished by the company to whom the Government tourist lodge sublet by the petitioner, it is apparent that the petitioner had earned huge profit by letting out the tourist lodge @ Rs.35,000/- (Rupees thirty five thousand) per month and there is no

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possibility of the lessee incurring any loss, for the duration of renovation work.

7. In the above circumstances, I do not see any merit in this petition as the Government has issued a tender notice for fresh lease after expiry of the lease period granted to the petitioner.

8. As the challenge to the NIT dated 19.11.2010 has been dismissed, the previous lessee must vacate the leased premises. Accordingly the petitioner is ordered to vacate the Government tourist lodge on or before 31.1.2011. He shall file an undertaking by 24.1.2011 before this Court, to handover peaceful and vacant possession of the Government tourist lodge to the Deputy Commissioner, Tezu on or before 31<sup>st</sup> of January 2011.

9. Subject to furnishing the undertaking by 24.1.2011 the respondents may suitably extend the date for tender submission, to enable the petitioner and others interested, to also respond to the NIT dated 19.11.2010.

10. The writ petition is disposed of accordingly.

  
**JUDGE**

*Datta*