

①
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. 251 (AP) 2010

Sri Habung Tai & 75 ors
 -Versus-
 The State of Assam

Appellant
Petitioner

Respondent
Opposite Party

Counsel for the Appellant
Petitioner

T. Pestin
 A. K. Singh
 S. Tapin
 A. Bhattacharjee

Counsel for the Respondent
Opposite Party

GALAP
 Mr. H. R. Obing) for R-4.
 " Raju Laxi)

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

-AND-

IN THE MATTER OF:

1. **Habung Tai S/o Shri Habung Sala**
Reru Village, P.O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

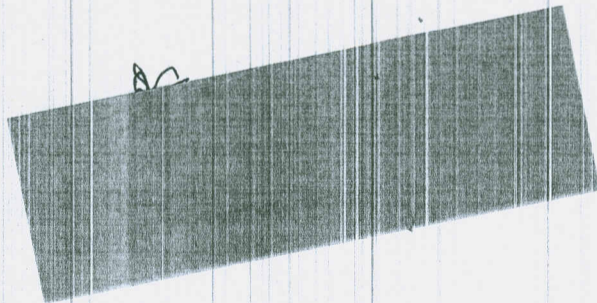
2. **Smti Koj Yadi W/o Shri Koj Tamang**
Dutta- Village, P.O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

3. **Koj Halley S/o Late Koj Tatu**
Dutta- Village, P.O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

4. **Shri Chiging Chobing S/o shri Chiging Tajan**
Dutta- Village, P.O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

5. **Shri Koj Ohba S/o Late Koj Tada**
Dutta- Village, P.O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

6. **Shri Kago Takha S/o Late Kago Tako**
Hija- Village, P.O. & P.S. Ziro



*Lower Subansiri district
Arunachal Pradesh.*

7. Shri Pura Tanyo S/o Shri Pura Richo
*Hija- Village, P.O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.*

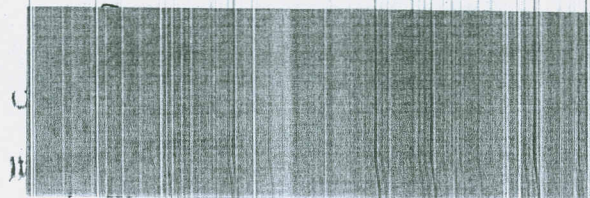
8. Shri Pura Tagang S/o Late Pura Tako
*Hija- Village, P.O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.*

9. Shri Dani Kena S/o Late Dani Radhe
*Hija- Village, P.O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.*

10. Shri Pura Tagia S/o Shri Pura Hinda
*Hija- Village, P.O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.*

11. Shri Taru Takha S/o late Taru Tayo
*Hija- Village, P.O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.*

12. Shri Dani Gambu S/o late Dani Dolo
*Hija- Village, P.O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.*



13. Shri Nada Taling S/o Shri Nada Tani

Hija- Village, P.O. & P.S. Ziro

Lower Subansiri district

Arunachal Pradesh.

14. Shri Pura Tacho S/o Late Pura Marpu

Hija- Village, P.O. & P.S. Ziro

Lower Subansiri district

Arunachal Pradesh.

15. Shri Kime Tasso S/o Late Kime Talu

Hija- Village, P.O. & P.S. Ziro

Lower Subansiri district

Arunachal Pradesh.

16. Shri Pura Tani S/o Shri Pura Richo

Hija- Village, P.O. & P.S. Ziro

Lower Subansiri district

Arunachal Pradesh.

17. Shri Kimme Anand S/o Late Kime Taki

Hija- Village, P.O. & P.S. Ziro

Lower Subansiri district

Arunachal Pradesh.

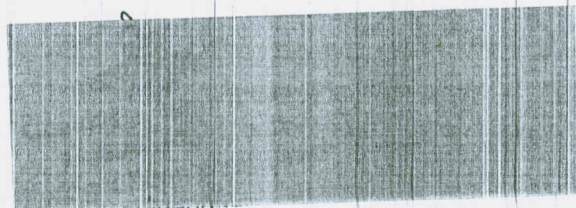
18. Shri Kago Jorang S/o Late Kago Tada

Hija- Village, P.O. & P.S. Ziro

Lower Subansiri district

Arunachal Pradesh.

19. Shri Taku Tating S/o Late Taku Lailang



Hija- Village, P.O. & P.S. Ziro

Lower Subansiri district

Arunachal Pradesh.

20. Shri Pura Pugang S/o Late Pura Maka

Hija- Village, P.O. & P.S. Ziro

Lower Subansiri district

Arunachal Pradesh.

21. Shri Taru Buhda S/o Late Taru Tajang

Hija- Village, P.O. & P.S. Ziro

Lower Subansiri district

Arunachal Pradesh.

22. Shri Puna Tallo S/o Late Puna Soka

Hija- Village, P.O. & P.S. Ziro

Lower Subansiri district

Arunachal Pradesh.

23. Shri Taru Ekha S/o Late Taru Tagyang

Hija- Village, P.O. & P.S. Ziro

Lower Subansiri district

Arunachal Pradesh.

24. Shri Taru Tai S/o Late Taru Koji

Hija- Village, P.O. & P.S. Ziro

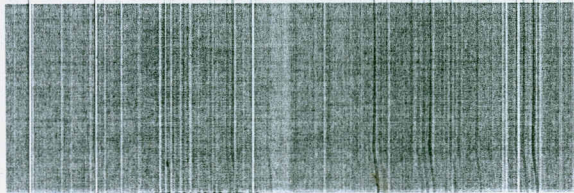
Lower Subansiri district

Arunachal Pradesh.

25. Shri Taku Taga S/o Late Taku Sambyo Hija

Village, P.O. & P.S. Ziro

Lower Subansiri district.



Arunachal Pradesh.

26. **Shri Kago Nibo** S/o shri Kago Radhe
Hija- Village, P .O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

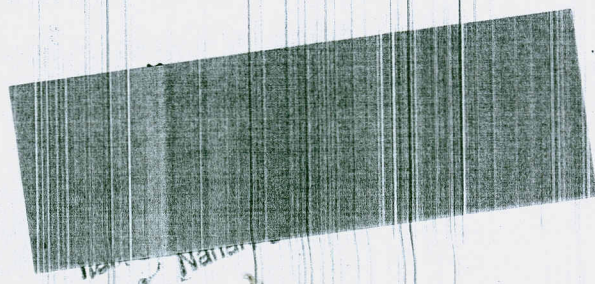
27. **Shri Bullu Badu** S/o shri Bullu Habung
Hong- Village, P .O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

28. **Shri Bullu Badu** S/o shri Bullu Habung
Hong- Village ,P .O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

29. **Shri Tapi Laling** S/o shri Tapi Tanang
Hong- Village, P .O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

30. **Shri Narang Badu** S/o shri Narang Bida Hong-
Village, P .O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

31. **Shri Koj Lazi** S/o Late Koj Chatung,
Dutta- Village, P .O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.



32. **Shri Bullu Tassar** S/o Shri Bullu Boga,
Hong- Village, P .O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

33. **Shri Mudang Yubbey** S/o Late Mudang Tacho,
Hong- Village, P .O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

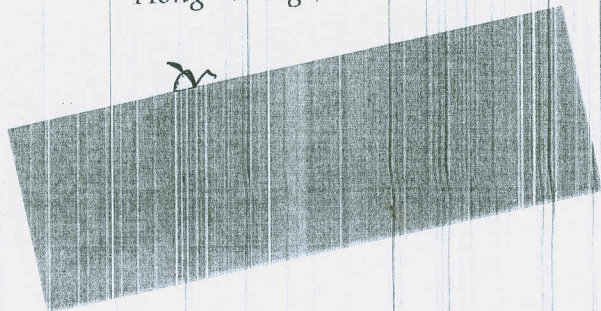
34. **Shri Tapi Abing** S/o Late Tapi Tamang, Hong-
Village, P .O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

35. **Shri Tapi Yayung** S/o Late Tapi Talang, Hong-
Village, P .O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

36. **Shri Tapi Duri** S/o Late Tapi Tamang,
Hong- Village, P .O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

37. **Shri Tilling Chilyang** S/o Late Tiling Taling,
Hong- Village, P .O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

38. **Shri Mudang Rillung** S/o Shri Mudang Elyu ,
Hong- Village, P .O. & P.S. Ziro



*Lower Subansiri district
Arunachal Pradesh.*

*39. Shri Bullu Tatung S/o Shri Bullu Kapa ,
Hong- Village, P.O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.*

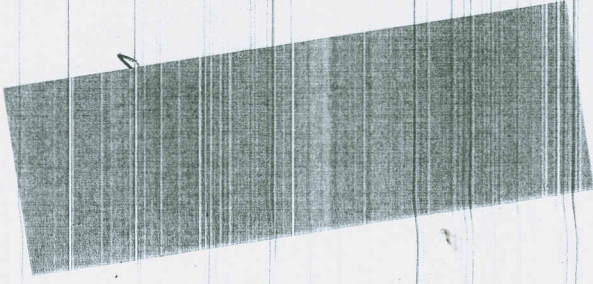
*40. Shri Bullu Chobing S/o Shri Bullu Sira
Hong- Village, P.O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.*

*41. Shri Narang Minu S/o Late Narang Tamo
Hong- Village, P.O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.*

*42. Shri Bullu Kago S/o Late Bullu Jorang
Hong- Village, P.O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.*

*43. Shri Takhe Chatung S/o shri Takhe Tallo
Hong- Village, P.O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.*

*44. Shri Tamo Buker S/o Late Tamo Sambyo
Hong- Village, P.O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.*



45. **Shri Gyati Laling** S/o Shri Gyati Hinda Hari
Village, P.O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

46. **Shri Gyati Tado** S/o Shri Gyati Koji
Hari- Village, P.O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

X 47. **Shri Bullu Tado** S/o Lt. Bullu Tarang
Hong- Village, P.O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

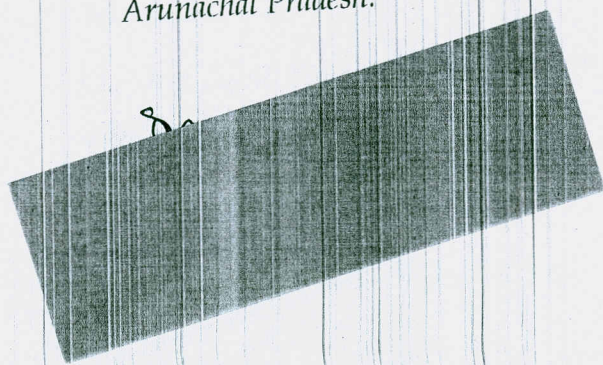
48. **Shri Mudang Tayang** S/o Shri Mudang Pai
Hong- Village, P.O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

49. **Smti Koj Yadi** d/o Shri Koj Tamang
Hija Village, P.O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

X 50. **Shri Habung Mudo** S/o Shri Habung Tacho
Reru - Village, P.O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

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in MC-07(AP) 2011

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dtd 19-01-2011 passed
in MC-07(AP) 2011



51. **Shri Khoda Talley** S/o Late Khoda Chattung
Reru - Village, P.O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

52. **Shri Michi Apa** S/o Shri Michi Tatang, Bamin
Village, P.O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

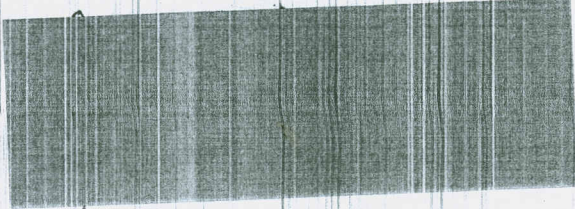
53. **Shri Lod Khoda** S/o late Lod Sambyo Kalung -
Village, P.O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

54. **Shri Lod Khoda** S/o late Lod Sambyo Kalung
Village, P.O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

55. **Shri Lod Khoda** S/o late Lod Sambyo Kalung -
Village, P.O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

56. **Shri Lod Tatung** S/o late Lod Tai - Kalung
Village, P.O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

57. **Shri Nani Tana** S/o late Nani Richo - Reru
Village, P.O. & P.S. Ziro



Lower Subansiri district
Arunachal Pradesh.

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in MC-07 (AP) 2011

X 58. **Shri Habung Taja** S/o Shri Habung Sira, Reru
Village, P .O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

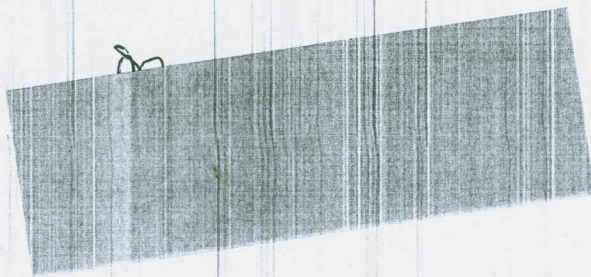
59. **Shri Tailyang Shah** S/o Shri Tailyang Hindu
Kalung Village, P .O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

60. **Shri habung Yubey** S/o Shri Habung Tago Reru
- Village, P .O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

61. **Shri Tailyang Takar** S/o Shri Tailyang Kalung
Village, P .O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

62. **Shri Tailyang Chada** S/o Late Tailyang Gryau
- Kalung Village, P .O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

63. **Shri Kalung Sala** S/o shri Kalung Puggang
Kalung - Vill, P .O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.



64. **Shri Duyu Gyute** S/o Lt. Duyu Pussang
Reru - Vill, P .O. & P.S. Ziro
Lower Subansiri district
Arunachal Pradesh.

65. **Shri Tailyang Tachang** S/o Lt. Tailyang Tini -
Kalung Vill, P .O. & P.S. Ziro, Lower Subansiri
district Arunachal Pradesh.

66. **Shri Kure Lazi** S/o Lt. Kure Koyang
Kalung- Vill, P .O. & P.S. Ziro, Lower Subansiri
district Arunachal Pradesh.

67. **Shri Habung Lailang** S/o Lt. Habung
Reru- Vill, P .O. & P.S. Ziro, Lower Subansiri
district Arunachal Pradesh.

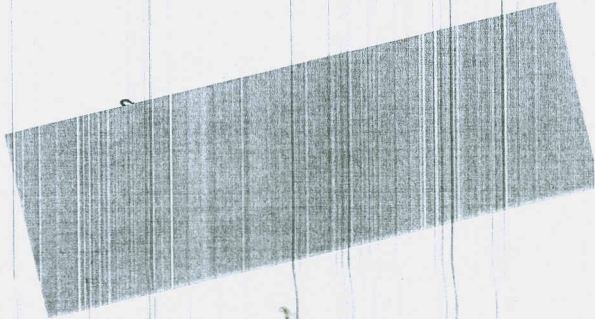
68. **Shri Kalung Tatung** S/o Lt. Kalung Tabing.
Kalung -Vill, P .O. & P.S. Ziro,
Lower Subansiri district Arunachal Pradesh.

X 69. **Shri Habung Tamang** S/o Shri Habung Tadu -
Reru Vill, P .O. & P.S. Ziro,
Lower Subansiri district Arunachal Pradesh.

70. **Shri Hage Bida** S/o Lt. Hage Butang
Hari Vill, P .O. & P.S. Ziro, Lower Subansiri district
Arunachal Pradesh.

71. **Smti Tasso Yami** W/o Narang Taw

X Detail vide order
dtd. 19.01.2011 passed
in Me 07 (AP) 2011.



Hari Vill, P .O. & P.S. Ziro, Lower Subansiri district
Arunachal Pradesh.

72. **Shri Kago Obing** S/o shri Kago Nibo
Hong Vill, P .O. & P.S. Ziro, Lower Subansiri
district Arunachal Pradesh.

73. **Smti Punyo Bayang** W/o Shri Punyo Halley -
Hong Vill, P .O. & P.S. Ziro, Lower
Subansiri district Arunachal Pradesh.

74. **Shri Punyo Gambo** S/o Late Punyo Taya Vill, P
.O. & P.S. Ziro, Lower Subansiri district, Arunachal
Pradesh.

75. **Shri Punyo Taro** S/o Shri Punyo Rissang Hong
-Vill, P .O. & P.S. Ziro,
Lower Subansiri district Arunachal Pradesh.

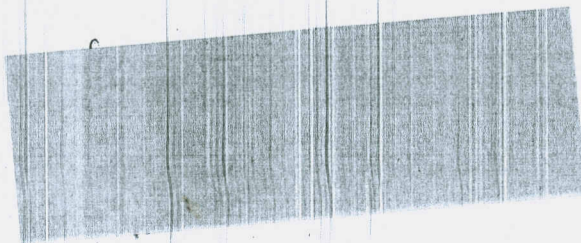
76. **Shri Hibu Tallang** S/o Shri Hibu Sunka
Hong -Vill, P .O. & P.S. Ziro, Lower
Subansiri district Arunachal Pradesh.

[COMMON CAUSE]

--- **Petitioners**

-VERSUS-

1. The State of Arunachal Pradesh
represented by the Commissioner /
Secretary, PWD, Govt. of Arunachal
Pradesh, Itanagar.
2. The Chief Engineer, [Central Zone]
Public Works Department,



Govt. of Arunachal Pradesh, Itanagar.

3. The Superintending
Engineer, [NCC], PWD, Naharlagun.
4. The Executive Engineer,
PWD, Ziro Division,
Lower Subansiri district
5. The Assistant Engineer, PWD
Ziro Sub-Division, Ziro
Lower Subansiri district

--- Respondents

WP(C) No.251(AP)/2010

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

19-01-2011

Necessary correction in the list of the writ petitioners be made by the office in pursuant to the order passed by the Court in Misc. Case No.MC [WP(C)] 7 (AP)/2011.

Mr. N Lowang, learned Addl. senior Govt. Advocate prays for and is granted 3 weeks further time to file his counter affidavit on behalf of the State. Mr. HR Obing, learned counsel appearing for the respondent No.4 also prays for some time to file an additional affidavit as the petitioners in their rejoinder affidavit, have raised certain additional issues. Accordingly let this case be posted after 3 weeks.

It is pointed out by Mr. T Pertin, learned counsel appearing for the petitioners that from the pleadings exchanged so far, various reasons are cited by the Executive Engineer, Ziro PWD Division to deny payment to the petitioners. He further submits that the claim for payment by the petitioner Contractors are not covered by any of the cited grounds i.e. *forged work orders, illegal work orders, without work orders or double payment claims*, etc. Mr. Pertin submits that payments are being made for extraneous considerations and in this manner, the funds available will be exhausted even before the claim of the petitioners is examined by the Court.

Having regard to the prayer made by the State counsel for further time, in the interim, it is ordered that no further payments should be disbursed in respect of the works pertaining to restoration and upgradation of 32 kilometer internal road at Ziro Township under NLCPR.


JUDGE

Barman

