

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)

WPO No. <sup>496</sup>..... (AP) 2010

Sorti Hage Yania  
-Versus-

Appellant  
Petitioner

State of AP & 5 or

Respondent  
Opposite Party

Counsel for the Appellant  
Petitioner

T. Pertin  
A-K. Singh  
L. Genzin  
Y. Kalu  
A. Nima

Counsel for the Respondent  
Opposite Party

GA (AP)

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:

Smti Hage Yania, wife of Shri Hage  
Obin, resident of Chandra Nagar,  
Itanagar (A.P).

.....PETITIONER

-Versus-

1. The State of Arunachal Pradesh  
represented through its Chief

Secretary, Government of Arunachal Pradesh, Itanagar.

2. The Secretary, Land Management, Government of Arunachal Pradesh, Itanagar.

3. The Director, Land Management, Government of Arunachal Pradesh, Itanagar.

4. The Deputy Commissioner, Capital Complex, Naharlagun, Arunachal Pradesh.

5. The District Agricultural Officer cum Member Secretary, APMC, Papum Pare District, Yupia, Arunachal Pradesh.

6. The Estate Officer, Capital Complex Naharlagun as appointed under Arunachal Pradesh Public Premises (Eviction of Unauthorized Occupants) Act, 2003.

.....**RESPONDENTS**



**W P (C) No.496 (AP) 2010**

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

24-01-2011

It is submitted by Mr. N Lowang, learned Addl. Senior Govt. Advocate that the Appellate Authority i.e. the Dy. Commissioner, Capital Complex has resumed his duty and accordingly the pending Appeal No.2/2010 filed by the petitioner, against the impugned eviction order dated 15.4.2010 passed by the Estate Officer (Annexure-8), can now be heard by the said authority.

Mr. T Pertin, learned counsel appearing for the petitioner submits that an application for interim order has also been filed along with the appeal and the Appellate Authority should consider the said application and until such consideration is made, the impugned eviction order should be stayed.

Having regard to the fact that the petitioner has already filed an appeal against the eviction order, it would now be appropriate for the Appellate Authority to pass any order interim or otherwise, in the appeal. However since interim order was recorded by this Court on 22.12.2010 because of the non-availability of the Appellate Authority, the Court's interim order is extended until 7<sup>th</sup> February, 2011. In the meantime, the Dy. Commissioner may consider the interim prayer of the appellant in its own merit.

Accordingly this writ petition is disposed of by permitting the petitioner to avail of the remedy in appeal against the impugned order of the Estate Officer. It is made clear however that this Court's interim order shall not operate beyond 7<sup>th</sup> February, 2011.

**JUDGE**

*Barman*