

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)

No...409 (AP) 2010

Smti Syama Devi Prasad

Appellant  
Petitioner

-Versus-

The State of AP & 3 others.

Respondent  
Opposite Party

Counsel for the Appellant  
Petitioner

MR. D. Panying  
" O. Paker  
MS. S.V. Dwang  
MR. D. Soki

Counsel for the Respondent  
Opposite Party

GIA 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:**

1. Smti. Syama Devi Prasad,  
Wife of Sri Sankar Prasad,  
permanent resident of  
Muriline/Jarku, P.O & P.S  
Pasighat, District East  
Siang, Arunachal Pradesh.

.....**PETITIONER**

**-Versus-**

1. The State of Arunachal  
Pradesh represented by the  
Secretary (Land Management),

Government of Arunachal Pradesh, Itanagar.

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

3. The Deputy Commissioner, East Siang District, Pasighat, Arunachal Pradesh.

4. The Estate Officer cum Additional Deputy Commissioner, Pasighat, East Siang District, Arunachal Pradesh.

.....**RESPONDENTS**

WP(C) 409 (AP) 2010

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

[19<sup>th</sup> January, 2011]

Heard Mr. D. Panging, learned counsel for the petitioner. Also heard Mr. R. H. Nabam, learned senior Govt. Advocate, who is representing the respondents.

2. The petitioner challenges the notice dated 26-10-2010 (Annexure-9) issued by the Estate Officer, Pasighat under the provisions of the Arunachal Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 2003 whereby demolition of structure raised by the petitioner was ordered.

3. Mr. D. Panging, learned counsel has referred to the earlier direction given by this Court on 23-07-2010 passed in WP(C) 249 (AP) 2010 to contend that no such steps for eviction of the petitioner could have been taken by the Estate Officer, without considering the appeal filed by the petitioner against the earlier eviction notice dated 08-07-2010 issued by the Estate Officer.

4. Mr. C. Modi, learned counsel appearing for the Deputy Commissioner, East Siang District, Pasighat refers to the counter affidavit filed in the connected contempt petition No.29 (AP) of 2010 to point out that the Deputy Commissioner was unaware of the earlier High Court's order in respect of the previous eviction notice issued against the petitioner on 08-07-2010 by the Estate Officer and having realised that the Estate Officer had acted erroneously in issuing a 2nd eviction notice dated 26-10-2010, before consideration of the appeal by the Deputy Commissioner against the earlier eviction order dated 08-07-2010, the operation of the impugned



eviction notice dated 26-10-2010 has been suspended till final disposal of the appeal.

5. It is pointed out from the order passed by the Deputy Commissioner on 07-12-2010 that Appeal No.02 of 2010 of the petitioner was admitted by the Deputy Commissioner and is now to be considered on merit.

6. The learned counsel representing the Deputy Commissioner also submits that after hearing of the appeal held on 23-12-2010, a spot verification was considered necessary and accordingly after completing the exercise, the pending appeal of the petitioner would be disposed of by the Deputy Commissioner, Pasighat.

7. Mr. R. H. Nabam, learned senior Govt. Advocate by referring to the Deputy Commissioner's order dated 07-12-2010 submits that the impugned eviction notice dated 26-10-2010 is now kept in abeyance and the petitioner's appeal is being considered in terms of the earlier direction given by the Court on 23-07-2010 in WP(C) 249 (AP) 2010. Accordingly, the learned Sr. Govt. Advocate submits that this matter now be closed, to enable the revenue authority to take a decision on the merit of the petitioner's appeal, against the earlier eviction notice dated 08-07-2010.

8. Mr. D. Panging, learned counsel representing the petitioner agrees that due to intervention of the Deputy Commissioner, the impugned eviction notice dated 26-10-2010 is no more a alive issue and if the petitioner's appeal is considered on merit, the petitioner will have no reason to pursue this matter.

9. In view of the above, this case is ordered to be closed by permitting the Deputy Commissioner to



proceed with the disposal of the petitioner's appeal No.  
02 of 2010.

  
**JUDGE**

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