

**IN THE GAUHATI HIGH COURT**

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

**ITANAGAR PERMANENT BENCH (NAHARLAGUN)****WP(C)336(AP)2012**

Shri. Kuru Tai, aged about 42 years, son of Late Kuru Piilia, resident of Hapoli, Ziro, Lower Subansiri District, Arunachal Pradesh.

...*Petitioner*

– **VERSUS** –

1. The State of Arunachal Pradesh through the Secretary, Land Management, Government of Arunachal Pradesh, Itanagar.
2. The Deputy Commissioner, Lower Subansiri District, Arunachal Pradesh, Ziro.

...*Respondents*

**:: BEFORE ::**

**HON'BLE MR. JUSTICE NANI TAGIA**

Advocate for the Petitioner: Ms. T. Jini, Adv.  
Advocate for the Respondent: Ms. R. Basar, learned Govt. Adv.

**Date of Judgment and Order (Oral):18.07.2019**

**JUDGMENT & ORDER (ORAL)**

Heard Ms. T. Jini, the learned counsel for the petitioner and Ms. R. Basar, the learned State counsel representing the State.

2. This writ petition has been filed challenging the impugned order dated 31.08.2012 issued by the Deputy Commissioner, Lower Subansiri District, Ziro vide order No.PA/JUD/2012/540-05 issued to the writ petitioner, whereby, the writ petitioner has been asked to show cause as to why he shall not be directed to vacate the Govt. Quarter No.29/T-IV located near ITBP Guest House (Officers Club), Hapoli, on the ground, that the writ petitioner was temporarily allowed to use the said quarter on his

undertaking dated 21.12.2011 executed before the Deputy Commissioner, Ziro, wherein, it was stated that he shall not claim the Govt. quarter and its premises and he shall vacate the said quarter whenever directed by the District Administration.

**3.** An affidavit-in-opposition has been filed by respondent Nos. 1 & 2 whereby the undertaking dated 21.12.2011 given by the writ petitioner has been annexed as Annexure-11 thereto.

**4.** Ms. T. Jini, the learned counsel for the petitioner has categorically denied any undertaking dated 21.12.2011 given by the writ petitioner. Ms. Jini has also categorically submitted that the writ petitioner is not in occupation of Quarter No.29/T-IV located near ITBP Guest House (Officers Club), Hapoli.

**5.** If the writ petitioner is not in occupation of the Quarter No.29/T-IV located near ITBP Guest House (Officers Club), Hapoli, the order dated 31.08.2012 issued by the Deputy Commissioner, Lower Subansiri District, Ziro to the writ petitioner asking the writ petitioner to Show-Cause as to why the writ petitioner shall not be directed to be vacate the Govt. Quarter, as mentioned above, is mis-directed against the writ petitioner.

**6.** In that view of the matter, without any reference to the order dated 31.08.2012 issued by the Deputy Commissioner, Lower Subansiri District, Ziro to the writ petitioner, the Deputy Commissioner, Ziro is directed to take possession of the Govt. Quarter No.29/T-IV and its premises located near ITBP Guest House (Officers Club), Hapoli and to hand over the same to M/s Subansiri LAMPS Ltd., Ziro which is stated to be the owner of the said Quarter. The said exercise shall be completed by the Deputy Commissioner, Lower Subansiri District, Ziro as early as possible and in any case not later than 4 (four) weeks from today.

**7.** Interim order passed earlier shall stand vacated.

**8.** A copy of this order be furnished to Ms. R. Basar, the learned State counsel so as to enable her to forward the same to the Deputy Commissioner, Lower Subansiri District, Ziro for doing the needful as indicated above.

The writ petition stands disposed of in terms above.

**JUDGE**

Talor