

IN THE GAUHATI HIGH COURT
(THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM & ARUNACHAL PRADESH)
ITANAGAR BENCH

1. WP (C) 155 (AP) 2017

Shri Ramesh Chandra Deori,
S/o Shri P. K. Deori,
R/o Sompoi No. 1,
P.O./P.S.-Diyun,
Dist-Changlang, A.P.

Adv. for the petitioner
Mr. R. Saikia, Adv.

.....**Petitioner**

-Versus-

1. The State of Arunachal Pradesh, represented by the Chief Secretary to the Govt. of Arunachal Pradesh, Itanagar.
2. The Secretary (Political) Govt. of Arunachal Pradesh, Itanagar.
3. The Secretary to the Govt. of Arunachal Pradesh, Department of Home, Itanagar.
4. The Deputy Commissioner, Changlang District, Arunachal Pradesh.
5. The Circle Officer, Diyun Circle, Diyun, Dist-Changlang, Arunachal Pradesh.

.....**Respondents**

Adv. for the respondent
Mr. S. Tapin, Sr. Govt. Adv.

2. WP (C) 156 (AP) 2017

1. Shri Gojen Gogoi,
S/o Shri Jaten Gogoi,
R/o Innao Ahom Village,
P.O./P.S.-Diyun, Dist-Changlang,
Arunachal Pradesh.
2. Shri Arjun Mura,
S/o Shri Bhota Mura,
R/o Mohang Mura,
P.O./P.S. Bordumsa,
Dist-Changlang, Arunachal Pradesh.
3. Shri Keshab Sonowal,
S/o Shri Narayan Sonowal,
R/o Kherem Kachari,
P.O./P.S.-Bordumsa, Dist-Changlang,

Arunachal Pradesh.

Adv. for the petitioner
Mr. R. Saikia, Adv.

.....**Petitioners**

-Versus-

1. The State of Arunachal Pradesh, represented by the Chief Secretary to the Govt. of Arunachal Pradesh, Itanagar.
2. The Secretary (Political) Govt. of Arunachal Pradesh, Itanagar.
3. The Secretary to the Govt. of Arunachal Pradesh, Department of Home, Itanagar.
4. The Deputy Commissioner, Changlang District, Arunachal Pradesh.
5. The Circle Officer, Diyun Circle, Diyun, Dist-Changlang, Arunachal Pradesh.

.....**Respondents**

Adv. for the respondent
Mr. S. Tapin, Sr. Govt. Adv.

3. WP (C) 54 (AP) 2017

1. Shri Subin Payeng,
S/o Late Bhiguram Payeng,
R/o Sitpani Miri,
P.O./P.S. Mahadevpur, Dist-Lohit,
Arunachal Pradesh .
2. Podmeshwer Neog,
S/o Late Daruk Neog,
Vill- Eraloni,
P.O./P.S. Mahadevpur,
Dist-Namsai, A.P.
3. Dipen Mech,
S/o Jaganath Mech,
Vill-Mohalomi,
P.O./P.S.-mahadevpur,
Dist-Namsai, A.P.
4. Satyadhar Phukon,
S/o Ghanakanta Phukon,
Vill-Krishnapur,
P.O./P.S.-Mahadevpur, Dist-Namsai,
A.P.
5. Dilip Lohar,
S/o Binod Lohar,
Vill-Sengapather,

- P.O./P.S.-Mahadevpur,
Dist-Namsai, A.P.
6. Karuna Deori,
S/o Lakhinath Deori,
Vill-Mahadevpur,
P.O./P.S.Mahadevpur,
Dist-Namsai, A.P.

Adv. for the petitioner
Mr. A. Apang, Sr. Adv.

.....**Petitioner**

-Versus-

1. The State of Arunachal Pradesh, represented by the Chief Secretary to the Govt. of Arunachal Pradesh, Itanagar.
2. The Secretary (Political) Govt. of Arunachal Pradesh, Itanagar.
3. The Secretary to the Govt. of Arunachal Pradesh, Department of Home, Itanagar.
4. The Deputy Commissioner, Changlang District, Arunachal Pradesh.

.....**Respondents**

Adv. for the respondent
Mr. S. Tapin, Sr. Govt. Adv.

4. WP (C) 64 (AP) 2017

1. Shri Ghana Kanta Das,
S/o Late Bonai Ch. Das,
R/o Napatia Village,
P.O./P.S.-Chongkham, Dist-Namsai,
Arunachal Pradesh.
2. Shri Vijay Kumar Limbu
S/o Harilal Limbu,
Vill-Alubari, P.O./P.S.-Alubari,
Dist-Namsai, A.P.
3. Shri Rajeswar Gogoi,
S/o Late Sagar Ch. Gogoi,
Vill-Jona-III, Lathao Circle,
P.O. Lathao, P.S. Namsai,
Dist- Namsai, A.P.
4. Shri Mukeswar Sonowal,
S/o Bora Sonowal,
Vill-Jona Kachari,
P.O. Lathao, P.S. Namsai,
Dist-Namsai, A.P.
5. Shri Muktinath Lohar,
S/o Basanta Lohar,

Vill-Sengapather,
P.O./P.S. Namsai,
Dist-Namsai, A.P.

Adv. for the petitioner
Mr. A. Apang, Sr. Adv.

.....**Petitioners**

-Versus-

1. The State of Arunachal Pradesh, represented by the Chief Secretary to the Govt. of Arunachal Pradesh, Itanagar.
2. The Secretary (Political) Govt. of Arunachal Pradesh, Itanagar.
3. The Secretary to the Govt. of Arunachal Pradesh, Department of Home, Itanagar.
4. The Deputy Commissioner, Changlang District, Arunachal Pradesh.

.....**Respondents**

Adv. for the respondent
Mr. S. Tapin, Sr. Govt. Adv.

Date of hearing : 20-09-2017
Date of judgment (Oral) : 20-09-2017.

::BEFORE::
THE HON'BLE MR JUSTICE A. M. BUJOR BARUA

JUDGMENT AND ORDER (ORAL)

Heard Mr. A. Apang, learned Sr. counsel assisted by Ms. N. Anju, learned counsel for the petitioners in WP (C) 54 & 64 (AP) 2017, Mr. R. Saikia, learned counsel for the petitioners in WP (C) 155 & 156 (AP) 2017.

Also heard Mr. S. Tapin, learned Sr. Govt. Advocate appearing on behalf of the State of Arunachal Pradesh.

2]. The 4 (four) writ petitions involve a common question of fact and law on the question as to whether the petitioners herein are entitled to the benefit of a Permanent Residential Certificate (PRC, in short) in the State of Arunachal Pradesh. It is stated that most of the petitioners and their predecessors have been living in the State of Arunachal Pradesh since about 1951 and as such have acquired some

kind of right to be issued with the PRC. The aforesaid issue has been under the consideration of the respondent authorities for quite some time. Earlier, the matter went upto the Cabinet for an appropriate decision and accordingly, a sub-committee was constituted to look into the matter. The sub-committee had given its recommendations but as nothing further had progressed some similarly situated persons have preferred earlier writ petitions being WP (C) 138 (AP) 2009 and others.

3]. The said series of writ petitions were disposed of by the order dated 23.11.2009 by directing that the report of the sub-committee on the question of issuance of PRC to the non-APST person be placed before the State cabinet for an appropriate decision.

4]. It is stated that pursuant to such order, the Cabinet in the State of Arunachal Pradesh had taken a decision and accordingly, the Office memorandum dated 24.06.2010 was issued under the signature of the Chief Secretary to the Govt. of Arunachal Pradesh. As per the said O.M., PRCs were required to be issued to non-APST peoples and their families who had settled in the Lohit and Changlang District prior to 1968 and for the purpose, a detailed dossier was required to be prepared so as to enlist the eligible persons/ peoples. But subsequently, by another order dated 06.10.2010 of the Commissioner (Political), Govt. of Arunachal Pradesh, the earlier O.M. of 24.06.2010 was withdrawn. In this writ petitions, the said order of withdrawal dated 06.10.2010 had been assailed.

5]. Mr. S. Tapin, learned Sr. Govt. Advocate had produced the copies of the 2 (two) Cabinet decisions dated 17.05.2010 & 29.09.2010. As per the cabinet decision dated 17.05.2010 a decision had been taken to grant PRC to the non-APST people and their families who have settled in Lohit and Changlang District prior to 1968 and also to prepare a detail dossier for the purpose. But by the other cabinet decision dated 29.09.2010, the earlier decision of 17.05.2010 was reviewed and revoked. Mr. Tapin, learned State counsel states

that the order of revocation dated 06.10.2010 is infact a communication of the said cabinet decision dated 29.09.2010.

6]. Be that as it may, it has also been brought to the notice of this Court that subsequent to the 2nd cabinet decision, an all Party legislators party meeting was held on 22.11.2010 under the Chairmanship of the then Chief Minister regarding the issuance of PRC to the non-APST residents. As per the said meeting of the all party legislators, a decision was taken to constitute the joint High Power Committee under the Chairmanship of a Member of Parliament to go into the details on the question of grant of PRC and submit its findings and recommendations to the Govt. It is stated that although, the said Joint High Power Committee has been constituted, the committee could not go into the fact due to certain intervening circumstances. Mr. Apang, learned senior counsel states that to the knowledge of the petitioners, the said Joint High Power Committee had acted upon to some extent, *inasmuch as*, dossier from the respective families who claimed the PRC 'had been called'. It is also brought to the notice that by a communication dated 11.11.2014, the Deputy Commissioners of the respective Districts were directed to submit a family dossier of the persons claiming such PRC but it is stated that thereafter, nothing further had progressed.

7]. Mr. S. Tapin, learned State counsel, on the other hand, states that there is a possibility that the Joint High Power Committee may had given some kind of recommendation.

8]. Be that as it may, this Court is of the view that issue of grant of PRC to the non-APST is within the realm of the policy decision of the State authorities but, however, as some kind of initiation had been done for arriving at a decision as to whether the PRC is to be granted or not it would be in the interest of justice that the said initiation be carried forward and brought to its logical end. An apprehension has also been expressed that the Joint High Power Committee may not be in existence in full as of now.

9]. In the aforesaid circumstances, this Court is of the view that the interest of justice would be met by providing the following directions:-

(i) *The State respondent authorities shall verify and ensure as to whether the Joint High Power Committee constituted by the order dated 03.12.2010, as per the decision of all party legislators meeting held on 22.11.2010 is still in existence or not.*

(ii) *If it is found that the Joint High Power Committee is still in existence, the said committee shall further proceed with the process and submit its report to the Govt.*

(iii) *In the event, the said committee is not in existence as on today, the respondent authorities shall undertake the exercise to constitute another Joint High Power Committee and carry forward the process initiated earlier and submit its recommendations to the Government.*

(iv) *In the event, the Joint High Power Committee have already submitted any findings/ recommendations in the meantime as per the order dated 03.12.2010, the respondent authorities shall consider and further proceed with the same and bring the matter to its logical end.*

10]. It is further clarified that if, no such findings/ recommendation had been given by the Joint High Power Committee by the order dated 03.12.2010, the said committee if still in existence or if required, if a new committee is required to be submitted shall given the consideration in the matter and submits its findings/ recommendation.

11]. In any event, the State respondent authorities upon receiving the findings/ recommendations as stated earlier, shall further pursue with the matter and bring the same to its logical end by taking a policy decision.

13]. It is expected that the aforesaid exercise be completed within a period of 6 (six) months and by further providing that in the event,

if respondent authorities cannot complete the given exercise in its time frame then appropriate application for extension of time may be filed but by giving cogent reasons thereof.

14]. It is stated by Mr. Apang, learned Senior counsel that the final decision on the grant of PRC to the above category peoples, an interim arrangement was made by giving liberty to the State authorities to grant limited PRC for Education and Job purpose.

In terms of the above, this writ petition stands disposed of.

JUDGE

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