

IN THE GAUHATI HIGH COURT
(THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

ITANAGAR PERMANENT BENCH

CRP NO. 09(AP)2013

1. Sri Tage Lingri,

Age about 50 yrs, S/o Lt.
Tatak Lingri, GB of Lingri village, P.O Daporijo,
P.S Taliha, Upper Subansiri District, Daporijo AP.

2. Sri Chickning Haning,

Age about 50 yrs, S/o Lt.
Lt. Tachik Haning, GB (Gaon Burah) of village
Haning, P.O Daporijo, P.S Taliha, Upper
Subansiri District, AP.

.....*Petitioners*

- *Versus* -

- 1.** The Deputy Commissioner, Daporijo P.O & P.S Daporijo Upper Subansiri District, Arunachal Pradesh.
- 2.** Sri Tapa Haning S/o Lt Tachik Haning village Haning P.O Daporijo, P.S Taliha, Upper Subansiri District, A.P for Haning Clan.

.....*Respondents*

Advocates for the petitioners : Mr. T. Leriak
Mr. C. Gongo
Ms. L. Perme
Mr. K. Taron
Mr. W. Sawin

Advocates for the respondents: Govt. Advocate
Mr. T. Nima
Mr. D. Laji

:::B E F O R E:::
HON'BLE MR. JUSTICE NANI TAGIA

Date of hearing : **24.10.2019**
Date of Judgment & order : **24.10.2019**

JUDGMENT AND ORDER(ORAL)

None appears for the petitioners as well as for respondent No. 1.
However, Mr. D. Laji, learned counsel for the respondent No.2 is present.

2. The petitioners have filed this Civil Revision Petition challenging the Kebang decision dated 10.07.2012 (annexed as annexure 4 to the Civil Revision Petition), whereby the Kebang has held, as follows:

- i) That Sri Tage Lingri had developed the land in dispute.
- ii) That the Haning community/Clan shall pay Rs. 1,50,000/- only being developing charges of land to Sri Tage Lingri and thereafter, the land shall belong to Haning community/clan.

Also challenged in this Civil Revision Petition is the order dated 26.02.2013 passed by the Deputy Commissioner, Upper Subansiri District, Daporijo, whereby the Kebang decision dated 10.07.2012 had been upheld.

3. From perusal of the impugned Kebang decision dated 10.07.2012 as well as order dated 26.02.2013 passed by Deputy Commissioner, Upper Subansiri District, Daporijo, as well as materials available on record, it appears that the land called "Sumbo Koro" located at Upper Subansiri District, is a community land which belongs to Haning clan/community. It further appears that the petitioner No.2, namely, Shri Chickning Haning, who is one of the member of Haning Clan/Community was won over by the petitioner No.1 Shri Tage Lingri and had paid a sum of Rs. 1,30,000/-(Rupees One lakhs thirty thousand) only being the cost of a part of the Sombuko-koro land of the Haning Clan/Community.

4. The dispute in the present case arose on a part "Sumbo Koro" land being developed by petitioner No.1 after a sum of Rs. 1,30,000/- was paid to the petitioner No.2. That is how the Kebang decision dated 10.07.2012 came to be rendered after full deliberation in the Kebang proceeding, wherein, it was found that the disputed land actually belonged to the Haning community/clan. Accordingly, as the petitioner No.1 had advanced a sum of Rs. 1,30,000/- to the petitioner No.2 who is stated to be one of the member of the Haning Community/clan, the Kebang directed the Haning Community/Clan, who is represented in the present Civil Revision Petition proceedings by the respondent

no.2 to pay back Rs. 1,50,000/- to the petitioner No.1 being the cost or expenditure incurred while developing a part of the "Sumbo Koro" land.

5. Aggrieved by the Kebang decision dated 10.07.2012, the petitioner No.1 had preferred an appeal before the Deputy Commissioner, Daporijo, against the Kebang decision dated 10.07.2012. It was on the appeal filed by the petitioner No.1 against the Kebang decision dated 10.07.2012, the order dated 26.02.2013, came to be passed by the Deputy Commissioner, Upper Subansiri District, Daporijo.

6. On perusal of the order dated 26.02.2013 passed by the Deputy Commissioner, Upper Subansiri District, Daporijo, it is noticed that the local GBs of the area had conducted several Kebangs at Taliha to settle the dispute and after a long attempt, the local Kebang decided the dispute in favour of the Haning Clan/Community as the land actually belonged to Haning Clan/Community. However, the petitioner No.1 never agreed to the Kebang decision. The Deputy Commissioner also found that the petitioner No.2, Shri Chickning Haning, could not establish that he did own any plot of land in "Sumbo Koro" except for claiming that the land in question was used for hunting by his late father. In the above background of the facts, learned Deputy Commissioner, Daporijo had uphold the decision rendered by the Kebang on 10.07.2012.

7. On perusal of the materials on record nothing is discernible as to whether petitioner No. 1 or petitioner No.2 owns any land at "Sumbo Koro". Nor there are any materials available on record to establish that the petitioner No.2 Shri Chickning Haning, who himself is a part of the Haning Clan/Community had own any piece or plot of land at "Sumbo Koro" in his individual capacity. What is discernible from the materials available on record is that the land called "Sumbo Koro" is a community land owned by the Haning Clan/Community of which the petitioner No.2 Shri Chickning Haning himself, is one of the member.

8. In view of the fact that petitioner No.2 Shri Chickning Haning have not been able to establish that he owns a land at "Sumbo Koro" in his individual capacity, no infirmity can be found either in the Kebang decision dated 10.07.2012 or in order dated 26.02.2013, passed by the Deputy Commissioner, Daporijo.

9. In that view of the matter, I find no merit in the instant Civil Revision Petition. Accordingly, the Civil Revision Petition is hereby dismissed being devoid of merit.

10. Interim order passed earlier stands vacated.

JUDGE

Bunyi