

**IN THE GAUHATI HIGH COURT**  
(THE HIGH COURT OF ASSAM: NAGALAND: MIZORAM & ARUNACHAL PRADESH)  
**ITANAGAR PERMANENT BENCH (NAHARLAGUN)**

**CRP 24 (AP)2018**

Shri Tarh Powak,  
S/o Lt Late Tarh Kami, Village: Picha, P.O:  
Yangte, P.S: Sangram, District: Kra Daadi,  
Arunachal Pradesh.

*.....Petitioner.*

**– VERSUS –**

Shri TarhTatup,  
S/o Lt Late Tarh Tugung,  
Village: Sangridolo, P.S. Sangram  
District: Kra Daadi, Arunachal Pradesh.

*..... Respondent.*

**:::BEFORE:::**

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

**Date of Judgment and Order (Oral):01.10.2019**

Advocate for the Petitioner: Mr. J. Jini

Advocate for the Respondent: Mr. R. L Thungon

Heard Mr. J. Jini, learned counsel for the petitioner. Also heard Mr. R. L. Thungon, appearing on behalf of the sole respondent.

- 2.** The petitioner by filing this Civil Revision Petition, has challenged the letter, dated 25.05.2018, written to the petitioner by the Deputy Commissioner, Kraa Daadi District, whereby, amongst others, it had been informed that the earlier order, dated 20.04.2015, and subsequent Mel judgment passed, stands.
- 3.** The impugned order, dated 25.05.2018, is quoted hereinbelow, for ready reference:

**"GOVERNMENT OF ARUNACHAL PRADESH  
OFFICE OF THE DEPUTY COMMISSIONER KRA DAADI DISTRICT, JAMIN  
CAMP-PALIN**

**No. KD/MEL-01/2015-16**

**Dated Palin, the 25<sup>th</sup> May 2018.**

**To,**

**Shri Tarh Powak  
Village Yangte, town  
PO/PS:- Palin,  
Kra Daadi District (AP)**

**Sub:- Application for Status-quo.**

***In inviting to your letter No. nil dated 18.05.2018, regarding status-quo maintain for land dispute case over Pagya Pagna, Sangchung, Ringha and Darka. I am directed to inform you that your application was thoroughly examined by authority and come to the conclusion that re-fixed of Mel cannot be consider at this stage. The earlier order even No. dated 20.04.2015/188 and subsequent Mel judgment passed stands. In other words Mel judgment pronounced on 31.05.2015, is bending on the ground that no re-Mel could be issued on same case and review by authority once verdict have been delivered by the competent authority as per rule.***

***Therefore, your representation is hereby disposed off.***

**Sd/-  
(Pige Ligu) APCS  
Deputy Commissioner  
Kra Daadi District, Jamin  
Camp-Palin**

**No. KD/MEL-01/2015-16/1958**

**Dated Palin, the 13<sup>th</sup> June 2018"**

**4.** The facts leading to filing of this case, may be as follows:

The Deputy Commissioner, Kraa Daadi District, by order, dated 20.04.2015, vide Memo. No. KD/MEL-01/2015 had appointed 3 Head GBs of Palin Circle named therein, as arbitrators, to decide the land dispute case between the petitioner and the respondent over the land called **Pagya-Pagna, Sanchang-Ringha** and **Dakra**, fixing the proceeding to be held at AGAP Hall w.e.f. 27.04.2015 at 09.00 hours. Both the petitioner and the respondent participated in the arbitration proceeding which resulted in a decision by the arbitrators in the form of a settlement copy which has been annexed as Annexure-5 to this petition.

The said settlement copy, is an undated document.

The arbitrators, by their settlement copy, have held the respondent to be the lawful owner of the disputed land.

Aggrieved by the decision of the arbitrators, the petitioner filed an application before the Deputy Commissioner, Kraa Daadi District, on 30.04.2015, requesting for holding a de-novo arbitration proceeding.

Acting on the application, dated 30.04.2015, submitted by the petitioner, the Deputy Commissioner, Kraa Daadi District, vide order, dated 09.06.2015, constituted yet another board of arbitrators, comprising of 3 Head GBs named in the order, itself, for re-deciding the land dispute case between the petitioner and the respondent, over a land called Socho Dasang, which, according to Mr. Jini, learned counsel, is the other name of the land called **Pagya-Pagna, Sanchang-Ringha** and **Dakra**. While the second arbitration proceeding in pursuance of the order, dated 09.06.2015, issued by the Deputy Commissioner, Kra Daadi District, was pending, the petitioner filed an application before the Deputy Commissioner, Kraa Daadi District, on 18.05.2018(Annexure-9), praying for maintaining status quo of the land called **Pagya-Pagna, Sanchang-Ringha** and **Dakra** which however, was declined by the Deputy Commissioner, Kraa Daadi District, vide impugned order, dated 25.05.2018(Annexure-10).

**5.** The sole respondent has filed an affidavit-in-opposition wherein, amongst others, the respondent had contended that no appeal lies to the Deputy Commissioner, against the order passed by the arbitrators under Regulation 38 of the Assam Frontier (Administration of Justice) Regulation, 1945, and therefore, this Civil Revision Petition would not be maintainable against the impugned order dated 25.05.2018, passed by the Deputy Commissioner, Kraa Daadi District, which order was itself passed by the said Deputy Commissioner without any jurisdiction.

**6.** The sole respondent has further contended that as no appeal lies to the Deputy Commissioner against the order passed by the board of arbitrators in pursuance of Regulation 38 of the Assam Frontier (Administration of Justice) Regulation, 1945, the order of the Deputy Commissioner, Kraa Daadi District, dated 09.06.2015, constituting another board of arbitrators is also without any authority of law, and therefore, so is the impugned order, dated 25.05.2018, passed by the Deputy Commissioner, Kraa Daadi District, and consequently, the instant Civil Revision Petition is devoid of merit.

**7.** Assailing the correctness of the impugned order, dated 25.05.2018, in declining the status quo order of the disputed land as prayed for by the petitioner, Mr. Jini, learned counsel for the petitioner, submits that as the Deputy Commissioner, Kraa Daadi District, had, vide order, dated 09.06.2015, constituted a fresh board of arbitrators, the Deputy Commissioner, Kraa Daadi District, ought to have directed the parties to maintain the status quo of the disputed land as prayed for by the petitioner, vide his application, dated 18.05.2018, and the Deputy Commissioner, Kraa Daadi District, having not passed the status-quo order of the disputed land to be maintained by the parties, the Deputy Commissioner, Kraa Daadi District, has committed an error in declining to pass the status quo order, for which, the same requires interference of this Court.

**8.** Mr. Thungon, learned counsel for the respondent, on the other hand, submits that as the arbitration proceeding conducted under Regulation 38 of the Assam Frontier (Administration of Justice) Regulation, 1945, is final and binding and no further appeal is provided for under the Assam Frontier (Administration of Justice) Regulation, 1945, the constitution of second Board of arbitrators by the Deputy Commissioner, Kraa Daadi District, vide order, dated 09.06.2015, was completely uncalled for and contrary to law and therefore, the impugned order, dated 25.05.2018, passed by the Deputy Commissioner, Kraa Daadi District, declining to pass status quo order of the disputed land on the prayer of the petitioner, was perfectly justified.

**9.** The Deputy Commissioner, Kraa Daadi District, being not an appellate authority against the order passed in the proceeding held under Regulation 38 of the Assam Frontier (Administration of Justice) Regulation, 1945, the status quo order of the disputed land as prayed for by the petitioner, has rightly been rejected by the Deputy Commissioner, Kraa Daadi District, vide order, dated 25.05.2018, and therefore, no interference is called for by this Court in exercise of the powers conferred under Regulation 50 of the Assam Frontier (Administration of Justice) Regulation, 1945, *read with* Section 115 of the Code of Civil Procedure, 1908, contends Mr. R. L. Thungon, learned counsel for the respondent.

**10.** Rival submissions advanced at the Bar have received due consideration of this Court.

From the submissions made by the learned counsels for the parties as well as the materials placed on record, it has remained undisputed that for the purpose of adjudicating the land dispute between the petitioner and the respondent over the land called **Pagya-Pagna, Sanchang-Ringha** and **Dakra**, the Deputy Commissioner, Kraa Daadi District, on the request and consent of both the parties, had, vide order, dated 20.04.2015, constituted a board of arbitrators in accordance with Regulation 38 of the Assam Frontier (Administration of Justice) Regulation, 1945, consisting of 3 Head GBs named therein.

As both the parties had agreed to settle their dispute through the board of arbitrators as appointed by the Deputy Commissioner, Kraa Daadi District, the parties accordingly participated in the arbitration proceeding which had culminated in a settlement copy annexed as Annexure-5 to the petition whereby the arbitrators had decided the respondent to be the lawful owner of the land in dispute.

**11.** It has also remained undisputed that the settlement copy annexed as Annexure-5, had been rendered by the Board of Arbitrators in exercise of the powers conferred under Regulation 38 of the Assam Frontier (Administration of Justice) Regulation, 1945.

**12.** On perusal of Regulation 38 of the Assam Frontier (Administration of Justice) Regulation, 1945, it is noticed that Clause-6 of the Regulation 1945 provides that decision recorded shall be enforceable as if it was the final decision.

Apart from providing the decision of the arbitrators under Regulation, 1945 to be final, the Assam Frontier (Administration of Justice) Regulation, 1945 does not provide for any appellate forum to agitate the decision rendered by the arbitrators, much less the Deputy Commissioner.

**13.** The petitioner, in the instant Civil Revision Petition, after the board of arbitrator had rendered its decisions, had filed an application before the Deputy Commissioner, Kraa Daadi District, on 30.04.2015, requesting for re-adjudication

of the disputed land which resulted in the Deputy Commissioner, Kraa Daadi District, constituting a fresh Board of Arbitrators vide order, dated 09.06.2015.

**14.** As had been noticed that no further appeal is provided under the Assam Frontier (Administration of Justice) Regulation, 1945, against the decision rendered by the Board of Arbitrators in terms of Regulation 38, the constitution of fresh Board of Arbitrators by the Deputy Commissioner, Kraa Daadi District, vide order, dated 09.06.2015, on the request of the learned counsel for the petitioner by application, dated 30.04.2015, is of no any consequence inasmuch as in the absence of any specific power empowered to the Deputy Commissioner, either, as an appellate court or a reviewing authority, the Deputy Commissioner cannot re-open the matter which had already been decided by the Board of Arbitrators in terms of the Regulation 38 of the Assam Frontier (Administration of Justice) Regulation, 1945.

**15.** In that view of the matter, the Deputy Commissioner, Kraa Daadi District, also could not have granted the prayer of the petitioner for maintaining the status-quo of the disputed land vide his application dated 18.05.2015. And accordingly, the impugned letter, dated 25.05.2018, written by the Deputy Commissioner, Kraa Daadi District, to the petitioner declining to pass the status-quo order and also holding the decision of Board of Arbitrators in pursuance of the Deputy Commissioner's order, dated 20.04.2015, constituting the first Board of Arbitrators to be final and binding, does not suffer from any illegality.

**16.** For the reasons and discussions made hereinabove, I find no merit in the instant Civil Revision Petition and the same is hereby dismissed, however, with a liberty granted to the petitioner to take recourse to appropriate remedy(ies) that may be available under the law.

**17.** The civil revision petition stands disposed of, in terms above.

**JUDGE**

*Bhaskar*