

IN THE GAUHATI HIGH COURT

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

ITANAGAR PERMANENT BENCH (NAHARLAGUN)

WP(C) 122 (AP)2013 with MC(WP) 18 (AP) 2015

All Arunachal Pradesh Abotani Nibu (Priest) Welfare Association (AAPANWA), a society registered Under the societies registration Act with its head office at Nibu-Nyijik model village, Jami Jate, Itanagar, Arunachal Pradesh and Represented by its President, Shri Hari Taro, S/o Late Hari Tayam, Resident of Nibu-Nyijik Model Village, Jame Jate, Itanagar, Arunachal Pradesh.

..... *Petitioner.*

– VERSUS –

1. The State of Arunachal Pradesh represented by the Chief Secretary, Govt. of Arunachal Pradesh, Itanagar.
2. The Commissioner/ Secretary, Urban Development, Govt. of Arunachal Pradesh, Itanagar.
3. The Secretary, Town Planning, Govt. of Arunachal Pradesh, Itanagar.
4. The Secretary, Election Commission, Govt. of Arunachal Pradesh, Itanagar.
5. The Deputy Commissioner/ Returning Officer, Representing Administration of the Capital Complex, Itanagar.

..... *Respondents.*

Advocate for the Petitioner: Mr. R. Saikia.

Advocate for the Respondents: Mr. A. Apang, SC (State Election Commissioner)

Mr. P. Taffo SC (UD & Housing)

Ms. R. Basar, State counsel

::BEFORE::
HON'BLE MR. JUSTICE NANI TAGIA

JUDGMENT AND ORDER (Oral)

03.09.2019

Heard Mr. R. Saikia, learned counsel for the petitioner and Ms. R. Basar, learned Junior Govt. Advocate for the State respondents No.1, 3 & 5. Also heard Mr. P. Taffo, learned Standing counsel for the Department of Rural Development, representing respondent No.2 as well as Mr. A. Apang, learned Standing counsel for the State Election Commissioner, representing respondent No.4.

2. The writ petitioner is aggrieved by inclusion of Jami Jate village under Itanagar Municipal Area vide notification dated 06.02.2012 issued by the Secretary to the Govt. of Arunachal Pradesh, Department of Urban Development and Town Planning, vide No.DTPMUN-02/2008-2009, under Section 6 of the Arunachal Pradesh Municipal Act, 2007 and also the constitution of the Jami Jate village as one of the Municipal Ward for Itanagar Municipality issued by the Secretary, Town Planning dated 01.06.2012, under Sub Rule (1) of Rule 3 of the Arunachal Pradesh Delimitation of Ward Rules, 2010, by which order Jami Jate village have been constituted as a Municipal Ward for Itanagar Municipality.

3. As the inclusion or exclusion of any area within the Municipal Area is required to be made by the State government in accordance with the Arunachal Pradesh Municipal Act, 2007 and the rules framed there under, Mr. R. Saikia, learned counsel for the petitioner prays for disposal of this writ petition with a liberty granted to the petitioner to submit a representation before the Secretary, Town Planning, Govt. of Arunachal Pradesh, the respondent No.3, herein with a further direction to the Secretary, Town & Planning, Govt. of Arunachal Pradesh to consider and dispose of the representation that would be submitted by the petitioner in accordance with law.

4. The prayer so made by the learned counsel for the petitioner, Mr. R. Saikia have not been objected to by the learned counsels for the respondents.

5. In view of the above, this writ petition is disposed of with a liberty granted to the writ petitioner to file an appropriate representation, highlighting the grievances of the petitioner before the Secretary, Town Planning, Govt. of Arunachal Pradesh and, on such representation being filed by the petitioner before the Secretary, Town Planning, Govt. of Arunachal Pradesh shall deal with the representation so submitted by the writ petitioner in accordance with law and; as and when the representation is submitted by the petitioner before the Secretary, Town Planning, Govt. of Arunachal Pradesh, the respondent No.3, herein would take up the grievances of the petitioner in right earnest; and, consider and dispose of the representation so submitted by the petitioner as expeditiously as possible and in any case not later than 2(two) months from the date of receipt of the representation.

With above directions, this writ petition stands **disposed of**.

JUDGE

Pura