

IN THE GAUHATI HIGH COURT

(HIGH COURT OF ASSAM, NAGALAND, MIZORAM & ARUNACHAL PRADESH)

WRIT PETITION No.226 (AP)of 2017

1. Tsewang Dorjee,
Son of Late Jurme.
2. Tsering Jurme(Brumsha),
Son of Late Pem Khandu.
3. Tsering,
Son of Late Rinchin Khandu.
4. Kesang,
Son of Kugpa.
5. Phurpa Tsering(Priest)
6. Lama Letro,
Son of Late Tan Dorjee.
7. Dorjee Khandu,
Son of Late Lie Konjo.
8. Krego,
Son of Late Licky Tsering.
9. Lie Khandu,
Son of Late Dorjee Khandu.
10. Norbu Tsering,
Son of Late Rinchin Khandu.
11. Passang Tsering,
Son of Late Taam Dorjee.
All residents of Yewang Village, Dirang Circle, PO
& PS: Dirang, District: West Kameng, Arunachal Pradesh.

...PETITIONERS

-Versus-

- 1.** The State of Arunachal Pradesh,
Represented by the Chief Secretary, Government of
Arunachal Pradesh.
- 2.** The Commissioner, Department of Land Management,
Itanagar, Government of Arunachal Pradesh.
- 3.** The Director, Department of Land Management,
Itanagar, Government of Arunachal Pradesh.
- 4.** The Deputy Commissioner, Bomdila,
West Kameng District, Arunachal Pradesh.
- 5.** The Dogbom Riba, Additional Deputy
Commissioner, Dirang Circle, West Kameng
District, Arunachal Pradesh.
- 6.** The Director General of Board Roads, Seema
Sadak Bhawan, Outer Ring Road, Delhi
Cantonment, New Delhi.
- 7.** The Chief Engineer (Project Vartak), C/o 99 APO.
- 8.** THE Commander, 42 Border Roads Task Force
(BRTF), PIN- 930042, C/O 99 APO (Headquarters),
Arunachal Pradesh.
- 9.** The Executive Engineer (Civil)/Officer Commanding, 97 Road
Construction Company (RCC), General Reserve Engineering Force
(GREF) C/O 99 APO.
- 10.** The Executive Engineer (Civil)/Officer Commanding, 120 Road
Construction Company(RCC), General Reserve Engineering
Force(GREF) C/O 99 APO.

...RESPONDENTS

Advocates for the Petitioners: Mr. P. K. Tiwari

Advocates for the Respondents: Ms. R. Basar, Govt. Advocate
Mr. D. Kamduk, SC

::: BEFORE :::

HON'BLE MR. JUSTICE NANI TAGIA

Date of hearing and Judgment :**21.11.2019**

JUDGMENT AND ORDER (Oral)

None appears for the petitioners on call.

Heard Mr. D. Kamduk, learned Standing Counsel for the Department of Land Management and Ms. R. Basar, learned State Counsel for the State respondents.

2. This writ petition has been filed challenging the Board proceedings under the Chairmanship of Additional Deputy Commissioner, Dirang dated 27.01.2017(Annexure-22) with a further prayer for a direction to be issued to the respondents to act in terms of the letter dated 07.01.2017 of the Executive Engineer(Civil)/Officer Commanding, 97 RCC(GREF)(Annexure-18) and the letter of Superintendent Engineer(Civil)/Commandant, 42 BRTF dated 13.01.2017(Annexure-20). The order dated 27.01.2017(Annexure-22) is the letter written by the Additional Deputy Commissioner, Dirang to the Deputy Commissioner, West Kameng District, Bomdila with regard to the second alignment for Dirang bye-pass, which passes through a community land of Dirang village. The letter dated 07.01.2017 (Annexure-18) is the letter written by the Executive Engineer(Civ)/Officer Commanding to the Deputy Commissioner, West Kameng District, Bomdila regarding alignment of Dirang bye-pass. The letter dated 13.01.2017 (Annexure-20) is the letter written by the Superintendent Engineer(Civ) Commandant to the Deputy Commissioner, West Kameng District, Bomdila with regard to the finalization of alignment of Dirang bye-pass.

3. The respondent No.4, the Deputy Commissioner, West Kameng District, Bomdila has filed a counter affidavit, wherein, in Paragraph-34, it has been stated that 9th Highway Monitoring Committee met at Itanagar on 08.03.2018, wherein the issue regarding the finalization of Dirang bye-pass was taken up. In the meeting BRO informed that there are land acquisition issues in Dirang bye-

pass. The Deputy Commissioner, West Kameng District, Bomdila explained the nature of land acquisition pertaining to Dirang bye-pass. In the meeting, the Chief Secretary asked the Deputy Commissioner, West Kameng District, Bomdila to call a meeting between the Hon'ble MLA, ZPMs and stakeholders and sort out the matter. As such, Dirang bye-pass issue is yet not finalized. A copy of the meeting dated 08.03.2018 has also been enclosed as Annexure-N to the counter affidavit filed by the respondent No.4.

4. From perusal of the statement made by the Deputy Commissioner, West Kameng District, Bomdila, the respondent No.4, herein, in Paragraph-34 of the counter affidavit filed, it is evident that the matter relating to Dirang bye-pass is yet to be finalized and the State authorities have not yet taken a final call with regard to the Dirang bye-pass.

5. In that view of the matter, the writ petition is pre-mature and accordingly, the writ petition is dismissed.

JUDGE

Pura