

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

**WRIT PETITION No.247 of 2013**

Shri Reli Loyi, S/o Shri Nyumre Loyi,  
Presently resident of Village Kabu,  
P.O. & P.S. Aalo, District West Siang,  
Arunachal Pradesh

**.....Petitioners**

**-Versus-**

1. The State of Arunachal Pradesh, represented by the Secretary Land Management, Government of Arunachal Pradesh, Itanagar.
2. The Director Land Management, Government of Arunachal Pradesh, Itanagar.
3. The Deputy Commissioner, Aalo, West Siang District, Arunachal Pradesh.
4. Shri Geli Kamki, S/o Late Minge Kamki, permanent resident of Dego Kamki, P.O/P.S. Kamba, West Siang District, Arunachal Pradesh.

**.....Respondents**

**- B E F O R E -**

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

For the petitioner	: Mr. R. Saikia
For the State respondents	: Ms. P. Pangu, State counsel Mr. D. Kamduk, Standing counsel, Land Management Department and Mr. N. Ratan, for respondent No. 4

## **JUDGMENT & ORDER (ORAL)**

**31.10.2019**

Heard Mr. R. Saikia, learned counsel for the petitioner. Also heard Ms. P. Pangu, learned State counsel representing respondent No. 3 and Mr. D. Kamduk, learned standing counsel for Land Management Department representing respondent Nos. 1 and 2 as well as Mr. N. Ratan, learned counsel for the respondent No. 4.

**2.** This writ petition under Article 226 of the Constitution of India has been filed by the petitioner challenging the eviction order dated 26.11.2012, issued by the Estate Officer, West Siang District, Aalo vide No. WS/REV-07/27 by which order, the petitioner was directed to dismantle and remove his unauthorisedly constructed fencing and kaccha house from the government land at Sipu colony, Aalo within a period of 15 days from the date of issue of the order. Also impugned in the present writ petition is the order dated 09.07.2013, passed by the Deputy Commissioner, West Siang District, Aalo vide Memo No. LM/WS-07/27 by which order, the Deputy Commissioner, West Siang District, Aalo acting as an appellate authority under the Arunachal Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 2003 have dismissed the appeal filed by the petitioner which was directed against the impugned order dated 26.11.2012, issued by the Estate Officer, Aalo, thereby upholding the eviction order dated 26.11.2012 issued by the Estate Officer, Aalo.

**3.** The case of the petitioner, as projected in the writ petition, is that two government quarters at Sipu colony, Aalo being quarter Nos. D-14 and D-15 was burnt down in an fire accident which occurred on 14.12.1999. After the aforesaid two government quarters had burnt down in the fire accident as mentioned above, the petitioner occupied the said plot of land in the year 2005 and

constructed a kaccha house and fencing around the said land and that the petitioner along with his family is stated to be residing at the said plot of land.

**4.** Assailing the impugned orders dated 26.11.2012, issued by the Estate Officer, Aalo and the order dated 09.07.2013, passed by the Deputy Commissioner, Aalo, the petitioner contends that, pending consideration of the petitioners' case for regularization of the land under his occupation by the Deputy Commissioner, Aalo in terms of Government letter dated 24.05.2012, issued by the Commissioner, Land Management, Government of Arunachal Pradesh, Itanagar, to all the Deputy Commissioners and Additional Deputy Commissioners of the State to regularize the land that have been unauthorizedly occupied by the occupants, the Estate Officer could not have issued the impugned order dated 26.11.2012, directing the petitioner to remove the fencing and the kaccha house that have been constructed by the petitioner.

**5.** Aggrieved by the eviction order dated 26.11.2012, issued by the ADC-Cum-Estate Officer, Aalo, West Siang District, the petitioner had preferred an appeal before the Deputy Commissioner, Aalo which, however, was dismissed by the Deputy Commissioner, Aalo in the another impugned order dated 09.07.2013.

**6.** State respondents No. 1, 2 and 3 have filed the counter affidavit as well as the respondent No. 4.

**7.** From the pleadings of the writ petitioner itself, it would be evident that the writ petitioner has admitted that the land under his occupation is the land on which government quarter Nos. D-14 and D-15 was already in existence which got burnt down in a fire accident that occurred on 14.12.1999. If that be the position, the land occupied by the writ petitioner is undoubtedly a public premise

within the meaning of Arunachal Pradesh Public Premises (Eviction of Unauthorized Occupants) Act, 2003. Having held that the land under the occupation by the petitioner is a public premise, although there may have been some irregularities in the proceeding that culminated in the passing of impugned eviction order dated 26.11.2012, yet, in view of the fact that the land under occupation of the writ petitioner have clearly been established as a public premise on the basis of the pleading of the petitioner himself, it is deemed not necessary and appropriate to find fault in the procedure that have been adopted by the DLRSO, Aalo as well as the Estate Officer, Aalo. It is in that light, the counter affidavit filed by the State respondents as well as the private respondent are also deemed not necessary to referred to, inasmuch as, from the pleadings of the petitioner himself, the status of the land under his occupation have clearly been established that the land in question is a public premises.

**8.** In that view of the matter, no illegality can be found to have committed by the Estate Officer, Aalo in issuing the impugned eviction order dated 26.11.2012, vide No. WS/REV-07/27 and also the order of the Deputy Commissioner, Aalo dated 09.07.2013, vide Memo No. LM/WS-07/27, dismissing the appeal filed by the writ petitioner, thereby upholding the eviction order dated 26.11.2012, issued by the Estate Officer, Aalo.

**9.** The writ petition fails and the same is dismissed being devoid of merits.

**10.** Interim order passed on 18.07.2013 stands vacated.

**JUDGE**

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