

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

**WP(C) No. 255 (AP) of 2016**

1. Shri Ekar Riba, S/o-Shri Ree Riba, R/o-Pagi-II village, P.O./P.S.-Basar, West Siang District, Arunachal Pradesh.
2. Shri Kargo Riba, S/o-Lt. Ekar Riba, R/o-Pagi-II village, P.O./P.S.-Basar, West Siang District, Arunachal Pradesh.

**.....petitioners**

**-Versus-**

1. The State of Arunachal Pradesh represented by the Secretary (General Administration), Government of Arunachal Pradesh, Itanagar.
2. The Secretary (General Administration), Government of Arunachal Pradesh, Itanagar.
3. The Additional Deputy Commissioner, Basar, West Siang District, Arunachal Pradesh.
4. Shri Ekar Riba, S/o Shri Lee Riba, Anchal Samiti Member, Pagi-II village, P.O./P.S.-Basar, West Siang District, Arunachal Pradesh.
5. Shri Henken Riba, S/o Lt. Gohen Riba, Pagi-II village, P.O./P.S.-Basar, West Siang District, Arunachal Pradesh.
6. Shri Bommo Riba, S/o Shri Libom Riba, Pagi-II village, P.O./P.S.-Basar, West Siang District, Arunachal Pradesh.
7. Shri Gomi Riba, S/o Shri Ligo Riba, Pagi-II village, P.O./P.S.-Basar, West Siang District, Arunachal Pradesh.
8. Shri Tope Riba, S/o Lt. Ito Riba, Pagi-II village, P.O./P.S.-Basar, West Siang District, Arunachal Pradesh.

**9.** Shri Mimo Riba, S/o Shri Yemi Riba, Pagi-II village, P.O./P.S.-Basar, West Siang District, Arunachal Pradesh.

**10.** Shri Chijo Riba, S/o Shri Yorchi Riba, Pagi-II village, P.O./P.S.-Basar, West Siang District, Arunachal Pradesh.

**11.** Shri Rijo Riba, S/o Lt. Iri Riba, Pagi-II village, P.O./P.S.-Basar, West Siang District, Arunachal Pradesh.

**12.** Shri Nyai Riba, S/o Lt. Manya Riba, Pagi-II village, P.O./P.S.-Basar, West Siang District, Arunachal Pradesh.

**13.** Shri Dakbom Riba, S/o Lt. Dodak Riba, Pagi-II village, P.O./P.S.-Basar, West Siang District, Arunachal Pradesh.

**14.** Shri Tomar Riba, S/o Lt. Marto Riba, Pagi-II village, P.O./P.S.-Basar, West Siang District, Arunachal Pradesh.

**15.** Shri Mie Riba @ Mee Riba, S/o Shri Yemi Riba, Pagi-II village, P.O./P.S.-Basar, West Siang District, Arunachal Pradesh.

**.....Respondents**

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

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

For the petitioners : Mr. D. Panging

For respondents : Mr. T. T. Tara

Date of hearing & Judgment : **04.09.2019.**

**JUDGMENT & ORDER (ORAL)**

Heard Mr. D. Panging, learned counsel for the petitioners and Mr. T. T. Tara, learned counsel for the respondents.

**2.** On a complaint lodged by the respondents against the petitioners vide complaint dated 01.04.2016 before the Additional Deputy Commissioner, Basar with regard to the Pagi-II Village and Hide river, the Additional Deputy Commissioner, Basar by an order

dated 06.04.2016 issued under Memo No. BSR/LK-176/15-16/Vol-III/, constituted a Bango Level Keba with as many as 23 GBs/Head GBs in connection with the land and Hide river dispute case between the petitioners and the respondents. The petitioners, however, by a letter dated 13.04.2015, expressed their non willingness to discuss the Pagi-II land and Hide river ownership dispute in local Bango Level Keba.

**3.** The additional Deputy Commissioner by a letter dated 19.04.2016 vide memo No. BSR/LK-176/15-16/VOL-III issued another order stated to be in continuation of the earlier order dated 06.04.2016 and constituted Bango Level Keba, re-fixing the case to be heard on 26.04.2016 by the 21 GBs/Head GBs named therein. Although, the petitioners did not participate in the Bango Level Keba held on 26.04.2016, yet the Bango Level Keba by its decision dated 26.04.216 held that the disputed land covering Pagi-II village and Hide river is a community land and community river.

**4.** Assailing the Bango Level Keba decision rendered on 26.04.2016, Mr. D. Panging, learned counsel for the petitioners submit that there is no any forum called Bango Level Keba which can take up the civil dispute between the parties and therefore, the decision rendered by the Bango Level Keba dated 26.04.2016 is illegal and without jurisdiction.

**5.** On the other hand, Mr. T. T. Tara, learned counsel for the respondents submit that it would be appropriate for this Court to remand it back to the village authority which is the forum recognized under Assam Frontier (Administration of Justice) Regulation, 1945 to resolve the land and river dispute between the petitioners and the respondents.

**6.** Rival submissions advanced by the learned counsel for the parties have received due consideration of this Court.

**7.** Under Assam frontier (Administration of Justice) Regulation, 1945, village authority has been recognized as one of the forum for resolving the civil disputes. Apart from village authority, the Assistant Commissioner, the Deputy Commissioner and the High Court, there are no other forums recognized under the Assam Frontier (Administration of Justice) Regulation, 1945 for resolving the land and river dispute between the parties.

**8.** In that view of the matter, I find that the Bango Level Keba could not have assumed jurisdiction to decide the dispute between the petitioners and the respondents; and, accordingly, the impugned Bango Level Kaba decision dated 26.04.2016 is hereby set aside and quashed.

**9.** Land and river dispute as referred herein above, between the petitioners and the respondents who are stated to be from the same village, undoubtedly, would have to be resolved. However, in view of the fact that the judiciary has also been separated in the state of Arunachal Pradesh and therefore, there is also a Civil Court of competent jurisdiction in place to adjudicate the dispute between the parties, I deem it appropriate to leave it open for the parties to approach the appropriate forum for resolving the land and river dispute between the petitioners and the respondents as referred to herein above.

**10.** The writ petition is closed in terms above.

**JUDGE**

*Jumbi*