

IN THE GAUHATI HIGH COURT

(THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

ITANAGAR PERMANENT BENCH

WP (C) 419 (AP) 2011

*Shri Tago Panyang,
S/o Late Tasan Panyang,
R/o Rayang Village,
P.O/P.S.-Ruksin,
Dist-East Siang,
Arunachal Pradesh.*

...Petitioner

-Versus-

1. *The State of Arunachal Pradesh represented
by the Chief Secretary, Govt. of A.P.,*
2. *The Secretary, Personnel, Govt. of A.P.,*
3. *The Deputy Commissioner,
East Siang District,
Govt. of A.P.*
4. *The Sub-Divisional Officer, Ruksin,
East Siang District, Arunachal Pradesh.*
5. *The Extra-Assistant Commissioner, Ruksin,
East Siang District, Arunachal Pradesh.*
6. *The Circle Officer, Ruksin,
East Siang District, Arunachal Pradesh.*

...Respondents

**:::BEFORE:::
HON'BLE MR. JUSTICE SANJAY KUMAR MEDHI**

By Advocates:

For the petitioner : Mr. O. Pada.

For the respondents : Mr. D. K. Deori.

Date of hearing : **27.05.2019**

Date of Judgment & Order (Oral) : **27.05.2019**

JUDGMENT & ORDER (ORAL)

Heard Shri O. Pada, the learned counsel for the petitioner and Ms. L. Hage, the learned State counsel appearing for the State.

2. The writ jurisdiction of this Court is sought to be invoked by filing this petition wherein a prayer has been made for a direction for payment of compensation to the tune of Rs.2,00,000/- for evicting the petitioner from a piece of land which he alleges to be his private land.

3. Shri Pada, the learned counsel draws the attention of this Court to an agreement dated 22.01.2005 to show that the land in question was the private land of the petitioner and the same was donated to the Rayang Middle School on the condition that as and when the School is upgraded, the petitioner would be inducted into the service.

4. It is submitted that the said conditions having been violated, the petitioner had started occupying a part of the land. The learned counsel submits that unless and until there was reciprocation in adhering to the terms and conditions of the agreement, the petitioner cannot be made to suffer. However, by the impugned action, the petitioner has been evicted from the said land and no compensation, whatsoever, has been paid to him forcing him to approach this Court for appropriate direction.

5. Per contra, Ms. Hage, the learned State counsel submits that the facts projected in the writ petition are incorrect and disputed. Apart from the fact that the land in question is a part of the Gali Reserve Forest, the area from where the petitioner has been evicted is in the middle of the School Playground of Rayang Village. It is further denied that at any point of time, the land in question had belonged to the petitioner as the same was a part of the reserve forest. Since the petitioner was illegally occupying the land, eviction has been done by following the due process of law and therefore, the writ petition is liable to be dismissed. Ms. Hage, the learned State counsel further submits that the land in question is about 500 mtr. away from the residence of the petitioner.

6. Denying the allegations, Shri Pada, the learned counsel for the petitioner submits that the land in question was never a part of any reserve

forest and was a private land. However, the submission that the petitioner's land is about 500 mtr. away from the land in question has not been categorically refuted by Shri Pada.

7. Be that as it may, this Court is of the view that the questions of facts are disputed in this writ petition. Even assuming the existence of the agreement dated 22.01.2005, the petitioner had the option to approach the appropriate forum either by praying for the damage or for specific performance which admittedly has not been done. The issues raised in this writ petition would require adducing of evidence which cannot be done before this Court.

8. In view of the aforesaid discussions, this Court is of the opinion that no case for interference has been made out and accordingly, the writ petition is dismissed.

JUDGE

Talem