

**IN THE GAUHATI HIGH COURT
[THE HIGH COURT OF ASSAM: NAGALAND: MIZORAM AND ARUNACHAL PRADESH]**

ITANAGAR BENCH

WP (C) 392 (AP) 2012

WP (C) 60 (AP) 2012

WP (C) 208 (AP) 2012

MC [WP (C)] 1 (AP) 2015

Cont. Cas (c) 14 (AP) 2014

WP (C) 392 (AP) 2012

1. Sri Tadar Nyokum,
S/o Sri T. Kechak,
R/o D-Sector, Naharlagun
P.O/P.S. Naharlagun, Papum Pare District,
Arunachal Pradesh.
2. Sri Taring Niki
S/o Lt. Taring Tatak,
R/o Jamme Jate, P.O/P.S. Itanagar,
District-Papum Pare, Arunachal Pradesh.
3. Sri Tamuk Tama,
S/o Tamuk Talang,
R/o Jamme Jate, P.O./P.S. Itanagar,
District-Papum Pare, Arunachal Pradesh.
4. Sri Marbom Taji,
S/o Sri Marban Taha,
R/o Nyokum Lapang, P.O/P.S. Itanagar,
District-Papum Pare, Arunachal Pradesh.
5. Sri Kipa Rayo,
S/o Lt. Kipa Ridak,
R/o Jamme Jate, P.O/P.S. Itanagar,
District-Papum Pare, Arunachal Pradesh
6. Sri Kipa Tale,
S/o Sri Kipa Niyang,
R/o Jamme Jate, P.O/P.S. Itanagar,
District-Papum Pare, Arunachal Pradesh
7. Sri Yangbu Tajuk,
S/o Sri Yangbu Targh,
R/o Polo Colony, P.O/P.S. Naharlagun,
Papum Pare, Arunachal Pradesh.
8. Sri Taring Charu,
S/o Sri Taring Taying,
R/o Nyokum Lapang, P.O/P.S. Itanagar,
Papum Pare, Arunachal Pradesh.
9. Sri Kipa Kase
S/o Lt. Kipa Nibish,
R/o Polo Colony, P.O/P.S. Naharlagun,
Papum Pare District, Arunachal Pradesh.
10. Sri Kipa KAGUNG,
S/o Sri Kipa Ekiung,
R/o Polo Colony, P.O/P.S. Naharlagun,
Papum Pare District, Arunachal Pradesh.
11. Sri Kipa Mangal,
S/o Lt. Kipa Ei,

- R/o Jamme Jate, P.O/P.S. Itanagar,
Papum Pare District, Arunachal Pradesh.
12. Sri Ngurang Takia,
S/o Sri Ngurang Sarbang,
R/o Jamme Jate, P.O/P.S. Itanagar,
Papum Pare District, Arunachal Pradesh.
13. Sri Taring Lodh,
S/o Sri Taring Kiokam,
R/o Jamme Jate, P.O/P.S. Itanagar,
Papum Pare District, Arunachal Pradesh.

.....Petitioners.

By Advocate:

Mr. R. Sonar, learned counsel for the petitioner .

– Versus –

1. The State of Arunachal Pradesh, through, Secretary, Land Management, Govt. of Arunachal Pradesh, Itanagar.
2. The Director of Land Management, Govt. of Arunachal Pradesh, Itanagar.
3. The Deputy Commissioner, Capital Complex, Itanagar.
4. The Five members Committee constituted for settlement of Jamme Jate Land Dispute represented by its Chairman.
5. Sri Bokar Basar,
Addl. Deputy Commissioner,
Capital Complex, Itanagar.
6. Sri C.R. Kampa,
Extra Assistant Commissioner, Itanagar.
7. Sri H. Lampung,
Circle Officer, Itanagar.
8. Sri J. Dopum,
District Forest Officer of Wild Life, Nlg.
9. Sri Takam Titus,
Land Revenue Officer and Settlement Officer, Nlg.
10. All Arunachal Pradesh Abotani Nyujuk Nyibu(Priest) Welfare Association represented by its president Sri Hari Taro.
11. Sri Hari Taro,
S/o Late Hari Tayom,
R/o Jamme Jate, P.O/P.S. Itanagar,
Papum Pare District, Arunachal Pradesh.

By Advocate:

Mr. S. Tapin, learned counsel for respondent Nos. 10 & 11 .

..... Respondents

WP (C) 60 (AP) 2012

1. All Arunachal Pradesh Abotani Nibu (Priest) Welfare Association, 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.
2. Shri Hari Taro,
S.O Late Hari Tayam,

Resident of Nibu- Nyirik Model Village, Jame Jate, Itanagar, Arunachal Pradesh.

.....Petitioners.

Advocate for the Petitioners:

Mr. R. Saikia, learned counsel.

– Versus –

1. The State of A.P. represented by the Chief Secretary, Govt. of A.P., Itanagar.
2. The Commissioner / Secretary, Home Government of Arunachal Pradesh, Itanagar.
3. The Deputy Commissioner, Itanagar Capital Complex, Naharlagun.
4. The Superintendent of Police, Itanagar Capital Complex, Itanagar.
5. The Adll. District Magistrate cum Chief Estate Officer, Itanagar Capital Complex, Naharlagun.
6. The Extra Assistant Commissioner, Itanagar Capital Complex, Naharlagun.
7. The Officer-in Charge, Police Station, Itanagar.
8. Mr. Gyamar Tatup, Resident of Jame Jate, Itanagar, Arunachal Pradesh.
9. Mr. Charu Taha, Resident of Village-jame Jate, Itanagar, Arunachal Pradesh.
10. Mr. Marbom Taji (APP), Resident of Nibu-Nyirik Model Village, Jame Jate, Itanagar, Arunachal Pradesh.
11. Smti. Markio Pake, Resident of Village Jame Jate, Itanagar, Arunachal Pradesh.
12. Shri Takia Lule, Resident of Village Jame Jate, Itanagar, Arunachal Pradesh.
13. Shri Taring Niki, Resident of Village Jame Jate, Itanagar, Arunachal Pradesh.
14. Shri Tamuk Tama, Resident of Village Jame Jate, Itanagar, Arunachal Pradesh.
15. Shri Kabak Sopin, Resident of Village Jame Jate, Itanagar, Arunachal Pradesh.
16. Shri Chaka Bharat, Resident of Village Jame Jate, Itanagar, Arunachal Pradesh.
17. Smti. Chaka Yai, Resident of Village Jame Jate, Itanagar, Arunachal Pradesh.
18. Shri Dindo Taying, Resident of Village Jame Jate, Itanagar, Arunachal Pradesh.
19. Smti Tai Yaha, Resident of Village Jame Jate, Itanagar, Arunachal Pradesh.
20. Shri Techi Choya, Resident of Village Jame Jate, Itanagar, Arunachal Pradesh.
21. Shri Linddum Talo, Resident of Village Jame Jate, Itanagar, Arunachal Pradesh.
22. Shri Yarda Boring, Resident of Village Jame Jate, Itanagar, Arunachal Pradesh.
23. Shri Ngurang Takia, Resident of Village Jame Jate, Itanagar, Arunachal Pradesh.
24. Shri Digaim Talla, Resident of Village Jame Jate, Itanagar, Arunachal Pradesh.
25. Shri Naying Taki, Resident of Village Jame Jate, Itanagar, Arunachal Pradesh.
26. Shri Giogi Tana, Resident of Village Jame Jate, Itanagar, Arunachal Pradesh.
27. Shri Gora Pada, Resident of Village Jame Jate, Itanagar, Arunachal Pradesh.
28. Shri Kipa Mongol, Resident of Village Jame Jate, Itanagar, Arunachal Pradesh.
29. Shri KipaTagung, Resident of Village Jame Jate, Itanagar, Arunachal Pradesh.
30. Shri Tani Tarik, Resident of Village Jame Jate, Itanagar, Arunachal Pradesh.
31. Shri Dungda Nalo, Resident of Village Jame Jate, Itanagar, Arunachal Pradesh.
32. The Secretary, Land Management, Govt. of Arunachal Pradesh, Itanagar, A.P.
33. The Director, Land Management, Govt. of Arunachal Pradesh, Itanagar, A.P.

.....
Respondents

Advocate for the State Respondents:

- Ms. G. Deka, learned Sr. Govt. Advocate for State.
Mr. R. Sonar, learned counsel for respondent No. 10 & 13.
Mr. G. Tarak, learned counsel for respondent No. 15.
Mr. A. Apang, learned Sr. counsel for respondent No. 11.
Mr. M. Pertin, learned Sr. counsel for respondent Nos. 32 & 33.

WP (C) 208 (AP) 2012

1. All Arunachal Pradesh Abotani Nibu (Priest) Welfare Association, 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.
2. Shri Hari Taro,
S.O Late Hari Tayam,
Resident of Nibu- Nyirik Model Village, Jame Jate, Itanagar, Arunachal Pradesh.
3. Shri Tanning maying S.O. Late TadiK Maying, resident of Horo Village, PO/PS Taliha, Dist. Upper Subansiri (AP).
4. Shri Jomro Kena S/O Tajom Kena, resident of Maro Village, PO/PS Baririjo, Dist. Upper Subansiri (AP).
5. Smti. Yater Mara W/O/ Tade Mara, resident of Polo Colony, PO/PS Daporijo, Dist. Upper Subansiri (AP).
6. Shri Tapek Don S/O Late Tang Don, resident of Village- Don, PO/PS Daporijo, Dist. Upper Subansiri (AP).
7. Shri Tage Digbak S/O Digbak, resident of village- Digbak, PO/PS Dumporijo, Dist. Upper Subansiri (AP).
8. Smti. Yari Dakpe W/O Tacha Dakpe, resident of Village- Abotani Colony, PO/PS Daporijo, Dist. Upper Subansiri (AP).
(Common Cause)

.....Petitioners

Advocate for the Petitioners:

Mr. D. Kamduk.

– Versus –

1. The State of A.P. represented by the Chief Secretary, Govt. of Arunachal Pradesh, Itanagar.
2. The Commissioner / Secretary, Home Government of Arunachal Pradesh, Itanagar.

3. The Secretary Land Management, Govt. of A.P., Itanagar.
4. The Director of Land Management, Govt. of A.P., Itanagar.
5. The Deputy Commissioner, Itanagar Capital Complex, Naharlagun.
6. The Superintendent of Police, Itanagar Capital Complex, Itanagar.
7. The Adll. District Magistrate cum Chief Estate Officer, Itanagar Capital Complex, Naharlagun.
8. The Officer –in- Charge, Police Station, Itanagar.
9. Mr. Marbam Taji, Resident Nyokum Lapang, Itanagar. Arunachal Pradesh.
10. Mr. Taring Niki, Resident Nyokum Lapang, Itanagar, Arunachal Pradesh.
11. Mr. Kipa Mongal, Resident of Nyokum Lapang, Itanagar, A.P.
12. Mr. Taring Lodh, Resident of P- Sector, Itanagar, A.P.
13. Mr. Ngurang Takia, Resident Nyokum Lapang, Itanagar, A.P.
14. Mr. Dado Talo, Resident of Nyokum Lapang, Itanagar, A.P.
15. Shri Tamuk Tama, Resident Nyokum Lapang, Itanagar, A.P.
16. Shri Taring Charu, Resident Nyokum Lapang, Itanagar, A.P.
17. Shri Kipa Kayung, Resident of Polo Colony, Near Hr. Sec. School, Naharlagun, A.P.
18. Mr. Kipa Rayo, Resident of Polo Colony, Near Hr. Sec. School, Naharlagun, A.P.
19. Shri Tadar Nyokum, Resident of D- Sector, Near Passing bridge, Naharlagun, A.P.
20. Shri Yangbiu Tajuk, Resident of Polo Colony, Naharlagun, A.P.
21. Shri Kipa Talley, Resident of Karsingsa near firm, Naharlagun, Arunachal Pradesh.
22. Shri Linddum Talo, Resident of Village- Jame Jate, Itanagar, A.P.
23. Shri Kipa Kasa, Resident of Polo Colony, Naharlagun, Arunachal Pradesh.

..... Respondents

Advocate for the State Respondents/Private respondents:

Ms. G. Deka, learned Sr. Govt. Advocate for the State.

Mr. R. Sonar, learned counsel for respondent Nos. 9 to 23.

MC [WP (C)] 01 (AP) 2015

1. All Arunachal Pradesh Abotani Nibu Welfare Association (Priest), (APPAMWA) a society registered under the societies registration Act represented by its President, Shri Hari Taro, Son of late Hari Tayam.
2. Shri. Hari Taro, S.O Late Hari Tayam,
Resident of Nibu- Nyirik Model Village, Jame Jate, Itanagar, Arunachal Pradesh.

.....Applicants/Writ Petitioners

Advocate for the Applicants:

Mr. D. Kamduk.

-Versus-

1. The State of Arunachal Pradesh represented by the Chief Secretary, Government of Arunachal Pradesh, Itanagar.
2. The Commissioner/Secretary Home, Government of Arunachal Pradesh, Itanagar.
3. The Deputy Commissioner, Itanagar Capital Complex.
4. The Superintendent of Police, Capital Complex, Itanagar.
5. The Addl. District Magistrate cum Chief Estate Officer, Itanagar Capital complex.
6. The Extra Assistant Commissioner, Itanagar, Capital Complex, Itanagar.
7. The Officer In-Charge, police station, Itanagar.
8. Mr. Gyamar Tatup, Resident of Jame Jate, Itanagar, Arunachal Pradesh.
9. Mr. Charu Taha, Resident of Jame Jate, Itanagar, Arunachal Pradesh.
10. Mr. Marbom Taji, Resident of Nibu Nyjijik, Model Village, Jame Jate, Itanagar, Arunachal Pradesh.
11. Smti. Markio Pake, Resident of Jame Jate, Itanagar, Arunachal Pradesh.
12. Shri Takia Jule, Resident of Jame Jate, Itanagar, Arunachal Pradesh.
13. Shri Taring Nike, Resident of Jame Jate, Itanagar, Arunachal Pradesh.
14. Shri. Tamuk Tama, Resident of Jame Jate, Itanagar, Arunachal Pradesh.
15. Shri Kabak Sopin, Resident of Jame Jate, Itanagar, Arunachal Pradesh.
16. Shri Chaka Bharat, Resident of Jame Jate, Itanagar, Arunachal Pradesh.
17. Shri Chaka Yai, Resident of Jame Jate, Itanagar, Arunachal Pradesh.
18. Shri. Dindo, Resident of Jame Jate, Itanagar, Arunachal Pradesh.
19. Smti. Tai Yanah, Resident of Jame Jate, Itanagar, Arunachal Pradesh.
20. Shri. Techy Choya, Resident of Jame Jate, Itanagar, Arunachal Pradesh.
21. Shri. Linddum Talo, Resident of Jame Jate, Itanagar, Arunachal Pradesh.
22. Shri. Yarda Boring, Resident of Jame Jate, Itanagar, Arunachal Pradesh.
23. Shri. Digiam Tala, Resident of Jame Jate, Itanagar, Arunachal Pradesh.
24. Shri Naying Taki, Resident of Jame Jate, Itanagar, Arunachal Pradesh.
25. Shri. Giogi Tana, Resident of Jame Jate, Itanagar, Arunachal Pradesh.
26. Shri Gora Pada, Resident of Jame Jate, Itanagar, Arunachal Pradesh.
27. Shri Kipa Mongol, Resident of Jame Jate, Itanagar, Arunachal Pradesh.
28. Shri. Kipa Togung, Resident of Jame Jate, Itanagar, Arunachal Pradesh.
29. Shri Tani Tarik, Resident of Jame Jate, Itanagar, Arunachal Pradesh.
30. Shri Dungda Nalo, Resident of Jame Jate, Itanagar, Arunachal Pradesh.

.....Respondents

Advocate for the Respondents

Cont. Cas (c) 14 (AP) 2014

1. All Arunachal Pradesh Abotani Nibu (Priest) Welfare Association, represented by its President Mr. Hari Taro.
2. Sri Hari Taro,
S/o Lt. Hari Tayam,
R/o Nibu Nyijik Village,
Jamme Jate, Itanagar (A.P.)

.....Petitioners.

By Advocate:

-Vrs-

1. Mr. Tami Bage, O.C., Itanagar Police Station, A.P.
2. Mr. Gyammar Tatup, R/o Jamme Jate, Itanagar, A.P..
3. Mr. Charu Taha, R/o Jamme Jate, Itanagar, A.P .
4. Mr. Marbom Taji, R/o Nibu Nyijik Model Village, Jamme Jate, Itanagar, A.P.
5. Mr. Markio Pake, R/o Jamme Jate, Itanagar, A.P.
6. Mr. Takia Lule, R/o Jamme Jate, Itanagar, A.P.
7. Mr. Taring Niki, R/o Jamme Jate, Itanagar, A.P.
8. Mr. Tamuk Tama, R/o Jamme Jate, Itanagar, A.P.
9. Mr. Kabak Sopin, R/o Jamme Jate, Itanagar, A.P.
10. Mr. Chaka Bharat, R/o Jamme Jate, Itanagar, A.P.
11. Smti. Chaka yai, R/o Jamme Jate, Itanagar, A.P.
12. Mr. Dindo Taying, R/o Jamme Jate, Itanagar, A.P.
13. Smti. Tai Yaha, R/o Jamme Jate, Itanagar, A.P.
14. Mr. Techy Choya, R/o Jamme Jate, Itanagar, A.P.
15. Mr. Linddum Talo, R/o Jamme Jate, Itanagar, A.P.
16. Mr. Yarda Boring, R/o Jamme Jate, Itanagar, A.P.
17. Mr. Ngurang Takia, R/o Jamme Jate, Itanagar, A.P.
18. Mr. Digiam Talla, R/o Jamme Jate, Itanagar, A.P.
19. Mr. Naying Taki, R/o Jamme Jate, Itanagar, A.P.
20. Mr. Giogi Tana, R/o Jamme Jate, Itanagar, A.P.
21. Mr. Gora Pada, R/o Jamme Jate, Itanagar, A.P.
22. Mr. Kipa Mongol, R/o Jamme Jate, Itanagar, A.P.
23. Mr. Kipa Togung, R/o Jamme Jate, Itanagar, A.P.
24. Mr. Tani Tarik, R/o Jamme Jate, Itanagar, A.P.
25. Mr. Dungda Nala, R/o Jamme Jate, Itanagar, A.P.

..... Respondents

By Advocate:

B E F O R E

HON'BLE JUSTICE (MRS) Dr. INDIRA SHAH

Date of hearing : 30.03.2015

Date of Judgment & Order : 02.04.2015

Judgment & Order(CAV)

Heard Mr. R. Sonar, learned counsel for the petitioners in WP (C) 392 (AP) 2012, Mr. D. Kamduk, learned counsel for the petitioners in WP (C) 60 (AP) 2012 & WP (C) 208 (AP) 2012, Mr. D. Kamduk, learned counsel for the Misc. applicants in MC [WP (C)] 1 (AP) 2015, Mr. R. Saikia, learned counsel for the petitioners in Cont. Cas. (C) 14 (AP) 2014.

2] Mr. S. Tapin, learned counsel for respondent Nos. 10 & 11 in WP (C) 392 (AP) 2012, Mr. Ajin Apang, learned Sr. counsel for respondent No. 11, Mr. R. Sonar, learned counsel for the respondent No. 10 & 13, Mr. G. Tarak, learned counsel for the respondent No. 15, Mr. Muk Pertin, learned Sr. counsel for respondent Nos. 32 & 33 in WP (C) 60 (AP) 2012, Mr. R. Sonar, learned counsel for the respondent Nos. 9 to 23 in WP (C) 208 (AP) 2012, Mr. Muk Pertin, learned Sr. counsel for the respondent/Contemnor No. 23.

3] The petitioner's case in WP(C) No. 392 (AP) 2012 is that they have occupied several plots of land since long. Prior to their occupation in the year 1980 and after their occupation they developed the land making it fit for human settlement by clearing the jungles by way of earth cutting etc. Some of the petitioners have constructed OBT structures thereupon and settled there with their families. According to them, there are more than 250 individuals settled on the land.

4] In WP (C) No. 60 (AP) 2012, the petitioner No. 2 claims himself to be representative/president of petitioner No. 1 i.e. All Arunachal Pradesh

Abotani Nyijuk Nyibu Welfare Association(AAPANNWA, in short), and has filed the writ petition seeking direction to respondent No. 2 i.e. the Commissioner/Secretary, Home, Govt. of Arunachal Pradesh to carry out Board recommendation made in pursuant to the Judgment and Order dated 17.03.2009 passed by this Court in WP (C) 346 (AP) 2008 and for direction to the Chief Estate Officer to evict all private respondents and other settlers in terms of board recommendation.

5] In WP (C) No. 208 (AP) 2012, the petitioners are again All Arunachal Pradesh Abotani Nyijuk Nyibu Welfare Association (AAPANNWA, in short), represented by petitioner No. 2 and others. In this writ petition also petitioners have prayed for direction to carry out the Board recommendation made in pursuant to the Judgment and Order passed in WP (C) 346 (AP) 2008 and to restrain the encroachers from encroaching the land from the petitioners. Several Misc. cases including a Contempt Petition have been filed alleging violation of the order passed by this Court.

6] Further the case of the petitioners in WP (C) No. 392 (AP) 2012 is that since the year 2003 one Sri Hari Taro (respondent No. 11) started claiming the entire Jamme Jate area measuring 10 lakhs Sq. Mtr as his ancestral property. According to the respondent No. 10, namely, All Arunachal Pradesh Abotani Nyijuk Nyibu Welfare Association, the association presided by respondent No. 11 approached the Govt. to issue Land Possession Certificate (LPC, in short) in respect of entire land of jamme jate area for establishment of model village to be inhabited exclusively by the persons professing to the Donyi-Polo religion, however, the Govt. denied issuing such Land Possession Certificate (LPC, in short), for the reason that the Jamme Jate area is inhabited by large number of other people including the petitioners. When the respondent failed to get the Land Possession Certificate from the Govt., he filed a writ petition being WP (C) No. 346 (AP) 2008 seeking appropriate direction from this

Court. Some of the petitioners herein contested the said writ petition. This Court vide its Judgment and Order dated 17.03.2009 directed the concerned authority to constitute a Committee and to convene its meeting for the purpose of verification and examination of the dispute over the Jamme Jate area after serving due notice to all the persons concerned. Accordingly, the Committee/Board was constituted by the respondent authorities.

7] The allegation of the petitioners is that the Committee/Board did not give any prior notice to the petitioners and other inhabitant of Jamme Jate area and in violation of the Judgment and Order of this Court recommended for allotment of vast stretch of Jamme Jate area in favour of respondent Nos. 10 & 11. Thereafter, the Deputy Commissioner, Capital Complex, Naharlagun vide the impugned office Memo No. DC/ICC/JUD/DEV-114/209/1761 dated 18.11.2011 forwarded the impugned Board recommendations to the Director of Land Management (respondent No.2), Itanagar for further action and also for Govt. approval.

8] The petitioner's further contention is that they were not given opportunity to adduce evidence to substantiate their claims over those plots of land recommended for allotment in favour of respondent Nos. 10 & 11 by the Committee/Board. The Committee himself illegally and in violation of the principles of natural justice arrived at the conclusion ex-parte by considering the claim of the respondent No. 11, despite the fact that the petitioners have been in occupation of the land recommended for the allotment of land in favour of respondent Nos. 10 & 11 over those plots of land under their occupation.

9] It is the allegation of the petitioners that All Arunachal Pradesh Abotani Nyijuk Nyibu Welfare Association (AAPANNWA, in short) under the leadership of respondent No. 10 has been collecting huge donation

from the public by promising them plot of land at Jamme Jate area. The respondent No. 10 has been using the banner for his own personal interest. Further, the allegation of the petitioners is that the recommendation of the Board for establishment of Model Village at Jamme Jate Area to be exclusively inhabited by the person professing Donyi-Polo religion offend the secular values enshrined in constitution of India, violating the Article 14 & 15 of Constitution of India. In fact, the petitioners and other inhabitants of Jamme Jate area profess different religion, therefore, any move to disturb peaceful co-existence at the instance of respondent No. 11 will disturb the communal harmony in the area.

10] It is contended by the learned counsel for the petitioners that the land dispute pertaining to Jamme Jate area is a dispute of ownership and title over the plots of land and thus the dispute is civil in nature involving disputed question of facts. The petitioners have filed this writ petitions apprehending that the State Govt. would grant its approval for allotment of the disputed land to the respondent No. 11 and its association in terms of impugned Board proceeding and recommendation and in that eventuality the petitioners would be evicted from their respective land in occupation at Jamme Jate Area. The petitioners have prayed to:-

1. Issue a writ of certiorari setting aside and quashing the impugned proceedings, findings and recommendations dated nil [Annexures-4] made by the five members Board/Committee [respondent no. 4] pursuant to the Judgment and order dated 17/03/2009 passed by this Hon'ble Court in Writ Petition no. 346 /2008.
2. Issue a writ of certiorari setting aside and quashing the impugned Office memo no. DC/ICC/JUD/DEV-114/209/1761 dated 18/11/2011 issued by the Deputy Commissioner, Capital Complex,

Naharlagun, respondent no. 3 [Annexure – 5] forwarding thereby the impugned Committee/Board's Recommendations pertaining to the Jame Jate dispute to the Director of Land management, Itanagar, (Respondent no. 2) for Government approval.

3. Issue a writ of Mamdamus directing the State respondents not to grant its approval for issuance of allotment order/land possession certificate in respect of those plots of land under occupation of the petitioners and other inhabitant of the Jamme Jate area to the private respondents 10 & 11 in terms of the impugned Board/Committee's recommendations.
4. Grant liberty to the petitioners to file an appropriate suit before the competent trial court for protection of their interest over those plots of land under their possession.
5. Pass such others order/orders as may be deemed fit and proper in the facts and circumstances of the case."

11] The respondent Nos. 10 & 11 in their joint affidavit-in-opposition have alleged that the petitioner Nos. 1, 5, 6, 7, 9, 10, 12, & 13 are illegally encroacher who have forcefully occupied the land within the Jamme Jate area in the month of December, 2011 by forming a new association called Jamme Jate Owner Committee in violation of the Judgment and Order dated 17.03.2009 passed in WP (C) No. 346 (AP) 2008. According to them, the petitioners are not the resident of Jame Jate Village. The petitioner Nos. 2 & 8 illegally occupied plots of land within the Jamme Jate Village only in the year 2006 by encroachment. The petitioner Nos. 3, 4 & 11 similarly occupied the land forcefully in the year 2007. The petitioners, thus, did not have land in their possession within the Jamme Jate Village prior to the year 2006. The contention of the respondents are that All Arunachal Pradesh Abotani Nyijuk Nyibu Welfare Association is a registered society having its legal identity to possess and own properties to its own. The petitioners who inherited the

area of Jamme Jate Village donated the land for establishment of Model Village for settlement of All Arunachal Pradesh Abotani Nyijuk Nyibu community of Arunachal Pradesh. According to the respondent Nos. 10 & 11, in pursuant to the order passed by this Court, a committee was constituted by the respondent authority and petitioner Nos. 2 & 8 were heard by the committee whereas the rest of the petitioners being the encroacher were not entitled to be heard, as they occupied the land after passing of the Judgment and Order dated 19.03.2009. As per the decision of the settlement committee, the occupants of the Jamme Jate Village area, who occupied the land prior to 2006 should be allowed to reside at Jamme Jate Village. However, the decision of the settlement committee is not a final decision with regard to ownership/title and occupation over the land. However, the Committee recommended the allotment of an area of 3,13,340 Lacs Sq. Mtrs. Only in favour of respondent No. 10. The illegally occupied land of the petitioners does not fall under the said recommended area and except petitioner Nos. 2 & 8, other petitioners being encroachers are not entitled to be heard in terms of Judgment and Order dated 19.03.2009.

12] The respondent No. 3 in his affidavit-in-opposition has averred that the entire Jamme Jate area falls under the cadastral map of Itanagar Capital Complex. The petitioners as well as the private respondents have illegally occupied the aforesaid area and litigating against each other. As per the direction of the Court and to settle the issues once for all, a committee was constituted and the committee recommended that those who occupied the land prior to the order 2006 may not be disturbed and each individual land owner shall have to apply for allotment of land for regularization of their unauthorized occupation to the appropriate authority since the area falls under the Govt. land. However, none of the petitioners/respondents individuals have approached the authority for allotment of the land in their occupation, instead they are fighting with

each other in the Court and unnecessarily dragging the Govt. between them.

13] On perusal of the recommendation of the Board as well as from the pleadings filed by the parties, it appears that the entire area of Jamme Jate falls within the Capital town notified area. The land in question admittedly is a Govt. land. The petitioners as well as the private respondent are claiming the land on the basis of their occupation. Who is in fact in occupation of the land , and since, when, and whether they have acquired any title over the land in question on the basis of their occupation, are all disputed question of facts. Thus, the dispute between the parties are civil in nature and the parties should approach the Competent Civil Court for settlement of their dispute over the land. The Writ Court is not a competent to decide the disputed question of facts. The stand of the Govt. authority is that the land in dispute is a Govt. land within the notified area of Capital Complex, Itanagar and no allotment has been made to any organization or any individual.

14] In view of the above, these writ petitions are liable to be dismissed.

15] The recommendation of the Committee/Board is hereby set aside and quashed. The parties are, however, at liberty to approach the Competent Civil Court for establishment of their claim. The parties are also at liberty to approach the Competent Authority for allotment of land in their possession in accordance with law. The writ petitions are dismissed. Misc. Cases and Contempt Petition accordingly stands disposed of.

JUDGE

Talom