

GAHC040009202023



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

Case No. : PIL/13/2023

All Arunachal Tribal Rural Panchayat Restoration Andolan Committee (AATRPRAC)
H.Q Naharlagun, A Sector, Arunachal Pradesh,
Represented by its President Shri Maji Tayem a Permanent Resident of Village
Kamrang, PO/PS Seppa, District East Kameng,
Presently residing at Dikrong Colony Nirjuli, District Papum Pare, Pin Code 791109

VERSUS

THE UNION OF INDIA and 7 Ors.
Represented by its Secretary, Environment and Forest, Govt. of India, New Delhi
110001

2:THE STATE OF AP
Age: 0
Occupation :
Represented by the Chief Secretary
Govt. of Arunachal Pradesh
Civil Secretariat
Itanagar
Arunachal Pradesh.

3:the Commissioner/Secretary
Age: 0
Occupation :
Department of Environment and Forest
Govt. of Arunachal Pradesh
Civil Secretariat
Itanagar
Arunachal Pradesh
PIN 791111

4:the Principle Chief Conservator of Forest (PCCF)

Age: 0
Occupation :
Govt. of Arunachal Pradesh
Itanagar
PO/PS Itanagar
Govt. of Arunachal Pradesh
PIN 791111

5:the Chief Conservator of Forests
Age: 0
Occupation :
Easter Arunachal Pradesh Circle
Tezu
PO/PS Tezu
Arunachal Pradesh.

6:the Chief Conservator of Forests
Age: 0
Occupation :
Easter Arunachal Pradesh Circle
Tezu
PO/PS Tezu
Arunachal Pradesh.

7:the Conservator of Forests (HQ)
Age: 0
Occupation :
Department of Environment
Forests and Climate Change
Itanagar
PO/PS Itanagar
Arunachal Pradesh.

8:the Deputy Commissioner
Age: 0
Occupation :
Namsai District
PO/PS Namsai
Arunachal Pradesh. PIN 79210

Advocate for the Petitioner : None

Advocate for the Respondent : Mr. N. Ratan, Additional Advocate General, Arunachal Pradesh.
: Mr. M. Kato, Deputy Solicitor General of India.

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE KARDAK ETE

28.04.2025

(Vijay Bishnoi, CJ)

This PIL petition is filed by the petitioner praying for the following reliefs:-

“It is therefore, most respectfully prayed that this Hon’ble Court may graciously be pleased to:

(a) Issue an appropriate writ, order or direction to the respondent authorities to cancel the Land Possession Certificate, No Objection Certificate and Land availability Certificate issued in favour of various individuals annexure-4 (series) to the petition.

-AND-

(b) Pass an appropriate writ, order or direction restraining the Respondents not to issue Land Possession Certificate, No Objection Certificate and Land availability Certificate to the various individuals who have applied as on date if any to protect further damage of reserve forest area.

-AND-

Pending disposal of the present Writ Petition, your lordship may please to stay/ suspend further construction activities within the Namsai Forest area till the disposal of the present Public Interest Litigation.

(c) Pass any other writ, order(s) or direction (s) as this Hon’ble Court deem fit in the interests of justice and in the facts and circumstances of this case.”

Response to the PIL petition is filed on behalf of the respondents and during the course of hearing, it was informed to the Court on 10.09.2024 that in the issue raised in this PIL petition, an enquiry was conducted regarding the validity of the Land Possession Certificates issued to various persons and during that enquiry, it was found that no illegality has been committed in issuance of the Land Possession Certificates and the No Objection Certificates in the reserve forest area of Namsai and everything has been done in accordance with law. On that day, learned counsel for the petitioner prays for some time to file a counter to the additional affidavit filed on behalf of the State respondents and time was granted.

On 03.12.2024, learned counsel for the petitioner has moved an application for withdrawal of the PIL petition seeking liberty for the petitioner to file a fresh proceeding assailing the inquiry report dated 09.03.2024 placed on record by the respondents by way of filing an additional affidavit on 03.06.2024. However, the prayer for withdrawal of the writ petition was not granted by this Court and this Court has observed that the petitioner would be at liberty to bring on record the pleadings in the PIL petition itself if it has any objection regarding the enquiry report by way of filing an additional affidavit.

On 03.12.2024, again time was granted to the learned counsel for the petitioner to file additional affidavit pursuant to the direction given by this Court.

On 04.12.2024, the learned counsel appearing for the PIL petitioner informed the Court that the brief had been taken back from him by the petitioner and he also gave NOC to them. However, in the interest of justice, the Court granted 2(two) weeks' time to the petitioner to engage a fresh set of counsel.

Today, none has appeared on behalf of the petitioner.

In such circumstances, we are of the view that in view of the fact that the respondents have already set up an enquiry regarding the alleged illegality in issuance of the Land Possession Certificates/No Objection Certificates in the reserve forest under the Namsai Forest Division and as per the enquiry report, no illegality has been committed in issuance of the said Land Possession Certificates/No Objection Certificates, but till date, no counter to the enquiry report is filed on behalf of the petitioner, we are not inclined to keep this PIL petition pending, the same is therefore, disposed of.

JUDGE

CHIEF JUSTICE

Comparing Assistant