

WP(C) 480/2014

BEFORE

THE HON'BLE MR. JUSTICE M.R. PATHAK

Heard Mr. Khoda Tari, learned counsel for the petitioner.

Also heard Ms. Goter Ete, learned Government Advocate, for State Respondents No. 1, 3 and 4; as well as Mr. Kento Jini, learned standing counsel, for Respondent No. 2.

The petitioner, hereinbefore, is aggrieved by the impugned order dated 24.11.2014 issued under Memo No. LMA/APPPA/NEW-1/13/ZP/1831, by the Estate Officer, Lower Subansiri District, Ziro, under Section 7(1) of the Arunachal Pradesh Public Premises (Eviction of Unauthorized Occupants) Act, 2003, directing all the 33 encroachers including the petitioner, for eviction and demolition of the structures over the government land, in question, within one month from the date of issuance of the order. The said order has been served upon all the encroachers including the present petitioner through the Officer-in-Charge of Ziro Police Station.

In this writ petition, the petitioner has challenged the said impugned order dated 24.11.2014, passed by the Estate Officer, Ziro.

Section 12 of the said Act of 2003 provides for an appeal before the appellate authority i.e. the Deputy Commissioner of the District concerned, against any order passed under Section 7 of the Arunachal Pradesh Public Premises (Eviction of Unauthorized Occupants) Act, 2003, within the time prescribed.

In view of the above circumstances, this writ petition is hereby disposed of with the direction to the petitioner to approach the Deputy Commissioner, Lower Subansiri District, Ziro, for filing of an appeal under Section 12 of the said Act, against the impugned order dated 24.11.2014.

In the event of filing of any such appeal by the petitioner as per the provisions of Section 12 of the Arunachal Pradesh Public Premises [Eviction of Unauthorized Occupants] Act, 2003, the Deputy Commissioner, Lower Subansiri District, Ziro, shall consider the same, following the provisions of the Arunachal Pradesh Public Premises (Eviction of Unauthorized Occupants) Act, 2003, and shall dispose of the said appeal, in accordance with law, after affording an opportunity of hearing to the petitioner.