

GAHC010057182024



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

Case No. : I.A.(Civil)/875/2024

THE STATE OF ARUNACHAL PRADESH
REP. BY THE SECRETARY/COMMISSIONER, PUBLIC WORKS
DEPARTMENT, GOVT. OF A.P., ITANAGAR.

2: THE CHIEF ENGINEER
HIGHWAY DIVISION
PWD
GOVT. OF A.P.
ITANAGAR.

3: THE EXECUTIVE ENGINEER

HIGHWAY DIVISION
PWD
GOVT. OF A.P.
NIRJULI

VERSUS

R T TARA AND 17 ORS
S/O LT. NERBA TANA TARA VILL- NANGNYO, P.O. PIJIRANG, P.S. SEPPA
DIST. EAST KAMENG, ARUNACHAL PRADESH.

2:SHRI ATUNG TANA
S/O SHRI TARU TANA VILL- PALIN
P.O. PIJIRANG
P.S. SEPPA DIST. EAST KAMENG
ARUNACHAL PRADESH.

3:SHRI REKAM TAYEM
S/O SHRI TADER TAYEM VILL- AKEWA
P.O. PIJIRANG
P.S. SEPPA DIST. EAST KAMENG
ARUNACHAL PRADESH.

4:SMTI MEMAK TANA
W/O R T TARA VILL- NANGNYO
P.O. PIJIRANG
P.S. SEPPA DIST. EAST KAMENG
ARUNACHAL PRADESH.

5:THE UNION OF INDIA

REP. BY THE SECY.
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS
GOVT. OF INDIA
TRANSPORT BHAVAN
NO.1
PARLIAMENT STREET
NEW DELHI-11001.

6:THE SUPERINTENDING ENGINEER and RO
MORT and H

GOVT. OF INDIA MINISTRY OF ROAD TRANSPORT AND HIGHWAYS
REGIONAL OFFICE
SARDP-NE CELL
FIRST FLOOR
CAMPUS OF CE WZ
MOWB-II
ITANAGAR
A.P.

7:THE SECRETARY

DEPARTMENT OF LAND MANAGEMENT
GOVT. OF A.P.
ITANAGAR.

8:THE DEPUTY COMMISSIONER

EAST KAMENG DISTRICT
GOVT. OF A.P.
SEPPA.

9:SHRI RAJO NATUNG
S/O LT. TAGAM NATUNG R/O VILL- SEDE
P.O. PIJERANG EAST KAMENG DISTRICT
SEPPA
ARUNACHAL PRADESH.

10:SUSHEE-IVRCL ARUNACHAL HIGHWAYS LTD.

SPDS BUILDING
OPP. BUNGALOW NO.3
NITIVIHAR
ITANAGAR- 791111
ARUNACHAL PRADESH.

11:SRI LAGUNG NATUNG
S/O LT. BOGA NATUNG R/O VILL- VIO
P.O. PIJERANG EAST KAMENG DISTRICT
SEPPA
ARUNACHAL PRADESH.

12:SHRI AJA DAKO
S/O LT. TAKIA DAKO R/O VILL- JELLANG SEDE P.O. PIJERANG EAST
KAMENG DISTRICT
SEPPA
ARUNACHAL PRADESH.

13:SRI DASANG TAYAM
S/O LT. KAMU TAYAM R/O VILL- TAROYAR P.O. PIJERANG EAST KAMENG
DISTRICT
SEPPA
ARUNACHAL PRADESH.

14:SHRI RINGSO NATUNG
S/O LT. TASSAR NATUNG R/O VILL- SEDE
P.O. PIJERANG EAST KAMENG DISTRICT
SEPPA
ARUNACHAL PRADESH.

15:SHRI GUNIRAM NATUNG
S/O LT. BABING NATUNG R/O VILL- POTIWA PIJERANG P.O. PIJERANG
EAST KAMENG DISTRICT
SEPPA
ARUNACHAL PRADESH.

16:SRI SEYANG NATUNG
S/O LT. TAGERA NATUNG R/O VILL- VEO
P.O. PIJERANG EAST KAMENG DISTRICT
SEPPA
ARUNACHAL PRADESH.

17:SHRI NIKPU TACHANG
S/O LT. ARUN TACHANG R/O VILL- PAKRO P.O. PIJERANG EAST KAMENG
DISTRICT
SEPPA
ARUNACHAL PRADESH

For Applicant(s) : Mr. B.D. Goswami, Advocate
Mr. A. Chandran, Advocate

For respondent(s) : Mr. A. Kashyap, Advocate
Ms. Somila, Advocate

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

24.07.2024

(Vijay Bishnoi, CJ)

This Interlocutory Application is filed on behalf of the State of State of Arunachal Pradesh seeking extension of time for completion of construction of road from Sedde to Pakro in the State of Arunachal Pradesh for which, this Court granted two years time to the State of Arunachal Pradesh and other respondents vide its order dated 18.09.2014 passed in PIL No.101/2013.

Admittedly, the construction of the above referred road has not been completed within the time granted by this Court and in relation to that, a Contempt Cas(C) No.458/2020 has been filed by some of the petitioners and the same is pending consideration.

It is also noticed that till filing of the instant application, no such application has ever been filed either on behalf of the State of Arunachal Pradesh or on behalf of any other respondents seeking extension of time for completion of the construction of the aforesaid road.

Learned counsel appearing for the State of Arunachal Pradesh has submitted

that due to certain difficulties and contingencies which has been elaborated in the application for extension of time, the road from Sedde to Pakro could not be completed as per the direction given by this Court in its order dated 18.09.2014.

Learned counsel appearing for the State of Arunachal Pradesh has further submitted that up to 85% of the construction of the said road is completed and for the remaining part of the road, some more time is needed. He has submitted that due to ongoing monsoon season, it would be difficult to complete the construction of the road soon. However, he has given a positive statement that the construction of the said road would be completed by December, 2024.

The contentions raised by the learned counsel appearing for the State of Arunachal Pradesh in support of the application for extension of time is being strenuously opposed by the counsel appearing for the non-applicant No.11 and it is submitted that as a matter of fact, the State is not constructing the whole portion of the Sedde to Pakro approved road but the construction is only going on a 15 km stretch and that too on the basis of single lane.

It is also submitted that the reasons for non-construction of the aforesaid road are highly questionable and incorrect too.

Having gone through the application for extension of time and the affidavit-in-opposition filed on behalf of the respondent No.11, we feel that *prima facie* the State of Arunachal Pradesh has failed to comply with the direction given by this Court in its order dated 18.09.2014 for construction of the aforesaid road within two years.

However, looking to the interest of public at large, we deem it appropriate to grant time to the State of Arunachal Pradesh and other respondents to complete the construction of the aforementioned road by the end of December, 2024. It is

made clear that this order will not affect the merit of the Contempt Petition No.458/2020 preferred on behalf of some of the petitioners and the said contempt petition would be decided on its own merit.

It is also made clear that if the construction of the aforesaid road is not completed by December, 2024, the respondents would be liable for contempt of this order also.

With the above observation and direction, this Interlocutory Application is disposed of.

JUDGE

CHIEF JUSTICE

Comparing Assistant