

GAHC040014652022



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

Case No. : IA(C) 237/2022

1: The Union of India and 3 Ors.
Represented by the Defence Secretary
101A South Block
New Delhi 110011

2: The Director General
of Defence Estates (DGDE)
Raksha Sampada Bhawan
Ulaan Baatar Marg
Delhi Cantonment. PIN 110010

3: The Principal Director
of Defence Estates
Eastern Command (PDDEEC)
AC 4
4/1 Belveder Road
Alipore
Kolkata
West Bengal. PIN 700027

4: The Defence Estate Officer (DEO)
Itanagar Circle
Dist. Papum Pare
Arunachal Pradesh. PIN 791110
VERSUS

1: Dorjee Khandu Chukla and 6 Ors.
S/o Shri Pasang Tsering Chukla

R/o Vill. Chukla
Dorjeeling

PO and PS Mechuka
Dist. Shi Yomi
Arunachal Pradesh.
PIN 791003

2:Norbu Tsering Naksang
S/o Lt. Taling Naksang

R/o Vill. Barangang
PO and PS Mechuka
Dist. Shi Yomi
Arunachal Pradesh. PIN 791003

3:Nyima Chanden Sharjo
S/o Lt. Sange Dorjee Sharjo

R/o Vill. Mechuka
PO and PS Mechuka
Dist. Shi Yomi
Arunachal Pradesh. PIN 791003

4:Dorjee Dindup Philley
S/o Sanga Khandu Philley

Vill Segong
PO and PS Mechuka
Dist. Shi Yomi
Arunachal Pradesh. PIN 791003

5:Domdi Sona
S/o Lt. Nim Chanden Sona

Vill Yorni
PO and PS Mechuka
Dist. Shi Yomi
Arunachal Pradesh.
PIN 791003

6:Kumar Sona
S/o Lt. Sange Sona

Vill Yorni
PO and PS Mechuka
Dist. Shi Yomi
Arunachal Pradesh. PIN 791003

7:The Collector cum Deputy Commissioner

Shi Yomi District
Tato
Arunachal Pradesh. PIN 791001

Advocate for the Petitioner : 1 Y Doloi
Advocate for the Respondent : GA (AP)

Linked case: L.A.Appl. 1/2022

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Ministry of Defence, Represented by the Defence Secretary, 101A South Block, New
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VERSUS

1: Dorjee Khandu Chukla and 6 Ors.
S/o Shri Pasang Tsering Chukla,
R/o Vill. Chukla, Dorjeeling, PO and PS Mechuka, Dist. Shi Yomi, Arunachal
Pradesh. PIN 791003

2: Norbu Tsering Naksang

S/o Lt. Taling Naksang

R/o Vill. Barangang

PO and PS Mechuka
Dist. Shi Yomi
Arunachal Pradesh.
PIN 791003

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Dist. Shi Yomi
Arunachal Pradesh. PIN 791003

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Dist. Shi Yomi
Arunachal Pradesh. PIN 791003

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Dist. Shi Yomi
Arunachal Pradesh. PIN 791003

7:The Collector cum Deputy Commissioner
Shi Yomi District
Tato
Arunachal Pradesh. PIN 79100

Advocate for the Petitioner : 1 Y Doloi

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

Date : 14.03.2023

Heard Mr. V Banerjee, learned Senior counsel assisted by Mr. Doloi, learned counsel appearing for the Union of India. Also heard Mr. B Pathak, learned counsel for the respondents.

The present is an application for stay of common judgment and order dated 12.09.2022 passed in Reference Case Nos.01/2021, 02/2021 and 03/2021 and common order dated 13.09.2022 passed in Review Petition Nos. 01/2022, 02/2022 and 03/2022 by the learned District and Sessions Judge, West Siang District, Aalo, Arunachal Pradesh.

This court is inclined to stay the aforesaid judgments in view of the fact that the appeal assailing the aforesaid judgment has already been admitted by this court inasmuch as interest of justice can be met by staying the judgment till disposal of such appeal.

This court is also of the considered opinion that the interest of the respondents needs to be protected by deposit of a portion of the compensation awarded, before the Registry of this Court.

At this stage, Mr. Banerjee, learned Senior counsel submits that he needs some instruction from his clients so as to ascertain the amount that the Union can deposit.

Mr. Pathak submits that in the meantime he will not pursue the execution

case till this interim application is decided.

In that view of the matter, let this matter be listed again on 03.04.2023.

JUDGE

Comparing Assistant