

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
MA NO. 19/2024 in OA 25/2023/EZ**

IN THE MATTER OF:

JAMES TELI CAMDER & TONGAM JOMOH

... APPLICANT(S)

VERSUS

MOEF & CC AND ORS

...RESPONDENTS

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N.D.O.H: 02.07.2024

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THROUGH

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ADVOCATES FOR THE

RESPONDENT 2, 3, 5, 6, 7, 8 & 9

B3/18 VASANT VIHAR,

PLACE:

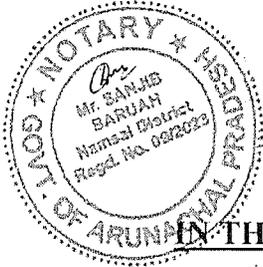
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JAMES TELI CAMDER & TONGAM JOMOH

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**Reply on behalf of Respondent No. 2, 3, 5, 6, 7, 8 and 9 to the
Miscellaneous Application 19/2024/EZ in Original Application
25/2023/EZ filed by the Applicants under Section 26 & 28 of the
NGT Act, 2010**

THE RESPONDENTS ABOVE-NAMED HUMBLY SUBMIT:

I. PRELIMINARY OBJECTIONS

1. At the outset, it is submitted that the present Application is filed with a malafide intention without any basis by knowingly making false and incorrect statements and in utter disregard of facts and therefore the Application is liable to be dismissed on this ground alone. The contents and submissions made therein may be read as part and parcel of the present application and are not repeated herein for the sake of brevity and prolixity.


 Deputy Commissioner,
 Namsai District (Namsai (A.P))



It is submitted that all the averments made in the purported Application by the Applicants are without any merit and baseless and therefore Respondent denies and disputes each and every statement, contention and/or submission contained in the present Application which is contrary to and/or inconsistent with what is stated herein below and/or the records of the case, and unless specifically admitted herein, the same shall be deemed to have been denied in seriatim. No part of the Application filed by the Applicants can be construed as being admitted merely on the ground of non-traverse.

3. That in terms of the Order dated 28.07.2023 more particularly paragraph 14 it was stated as under:

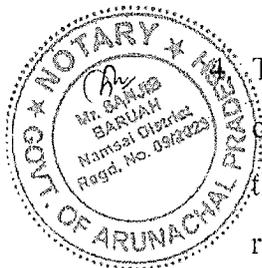
"14. We further direct that the interim order passed by this Tribunal on 16.03.2023 shall be subject to any final order which may be passed by the Respondent No.1, Ministry of Environment, Forests and Climate Change."

It was clearly outlined that Respondent No. 1 was required to pass an order of stay, **if any**, in the facts and circumstances of the case. This is evident more particularly in view of the observation made by the Hon'ble NGT in paragraph 11 of the aforesaid judgment. The same is reproduced below for ready reference:

"11. However, we are of the view that the matter regarding de-reservation of forest area lies exclusively within the domain of the Central Government in lieu of the provisions of Section 2 of the Forest (Conservation) Act, 1980."

In this regard, the preliminary submissions made herein below may be read as part and parcel of these objections.


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That in view of the aforesaid Respondent No. 2 wrote a letter dated 06.09.2023 to Respondent No. 1. The relevant portion from the letter dated 06.09.2023 is reproduced below for ready reference:

The NGT further directed that the interim order dated 16th March 2023 shall be subject to any final order which may be passed by the Ministry of Environment, Forest and Climate Change, Government of India.

Consequent upon the issue of final order by NGT, the State Government intends to proceed with completion of the sanctioned and ongoing public infrastructure projects in Namsai District to avoid time overruns and cost escalation.

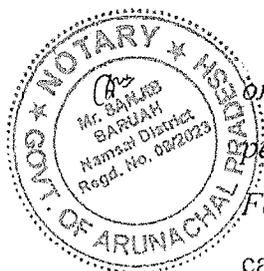
The sanctioned works related to the District Secretariat and other public infrastructure works are not only urgent in nature, but involve opportunity cost in terms of Government expenditure prioritization and allocation in the annual budget cycle. Therefore, in the interest of timely progress and completion of ongoing works, especially in the context of the 'Aspirational District' of Namsai, the State Government intends to complete the remaining parts of the duly sanctioned project(s) while simultaneously processing the proposal for de-reservation of the area of Namsai Township, which is the District Headquarter of the Aspirational District, Namsai in accordance with law.

We look forward to the informed opinion of your Ministry in this matter.

Copy of the letter dated 06.09.2023 from Respondent No. 2 to Respondent No. 1 is attached and annexed herewith as **Annexure R - 1**.

5. That it is submitted that as per the direction issued by the Hon'ble Tribunal vide Judgment dated 28.07.2023 it was specifically directed by the Hon'ble NGT in paragraph 14 of the Judgment that "We further direct that the interim order passed by this Tribunal


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on 16.03.2023 shall be subject to any final order which may be passed by the Respondent No. 1, Ministry of Environment , Forests and Climate Change (MoEF&CC).” Accordingly, on careful perusal of the Judgment, it is evident that the Hon’ble NGT required Respondent No. 1, MoEF&CC, to take a decision on the proposal for the grant of forest clearance within two months. It becomes pertinent to mention that this direction was addressed to the MoEF&CC, and not to the State Government or its officials. Therefore, any delay or non-compliance in this regard cannot be attributable to the answering Respondent.

6. It is submitted that it is a settled position in law that once a matter is disposed of by a court or tribunal, any interim orders passed during the pendency of the proceedings also come to an end. In the present case, the Hon’ble Tribunal disposed of Original Application No. 25 of 2023 vide Judgment dated 28.07.2023, and therefore, the interim order passed during the pendency of the suit, which refers to the order dated 16.03.2023 staying the construction activities within the Namsai Forest area ceased to have any effect post-disposal. The said principle of the law has been duly explained in *State of U.P. Thr. Secretary and Ors. versus Prem Chopra (2022 SCC OnLine SC 1770)* wherein the Hon’ble Supreme Court has categorically upheld that once the matter is disposed of any and all such interim orders passed during the pendency of the suit come to an end with the disposal of the proceedings and become infructuous. In paragraph 19 of the judgment, it was stated as follows –


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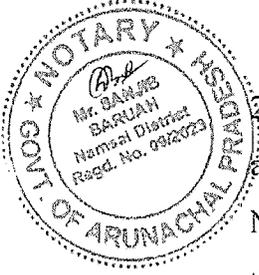


19. It is equally well settled that an order of stay granted pending disposal of a writ petition/suit or other proceeding, comes to an end with the dismissal of the substantive proceeding and that it is the duty of the court in such a case to put the parties in the same position they would have been but for the interim orders of the court. Any other view would result in the act or order of the court prejudicing a party (Board in this case) for no fault of its own and would also mean rewarding a writ petitioner in spite of his failure. We do not think that any such unjust consequence can be countenanced by the courts. As a matter of fact, the contention of the consumers herein, extended logically should mean that even the enhanced rates are also not payable for the period covered by the order of stay because the operation of the very notification revising/enhancing the tariff rates was stayed. Mercifully, no such argument was urged by the appellants. It is un-understandable how the enhanced rates can be said to be payable but not the late payment surcharge thereon, when both the enhancement and the late payment surcharge are provided by the same notification — the operation of which was stayed."

Copy of the judgment of *State of U.P. Thr. Secretary and Ors. versus Prem Chopra (2022 SCC OnLine SC 1770)* is annexed herewith as **Annexure R-2**.

7. In view of the aforesaid judgment of the Hon'ble Supreme Court, the Order passed by the Hon'ble Tribunal, and considering the fact that there was no specific order conveyed to the answering Respondents by the Respondent No. 1, and the works being in the public interest the same was sought to be continued awaiting further directions/instructions of the Respondent No. 1. Further, the answering Respondents have duly complied with the Orders issued by the Hon'ble NGT and there is no willful disobedience on the part of the answering Respondents.
8. That the Applicants have also not been able to establish a cause of action either under Section 26 of the National Green Tribunal Act,

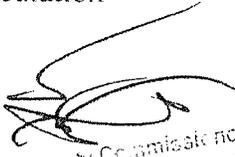

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2010 (hereinafter referred to as the 'NGT Act'). The Petitioner's allegations of disobedience under Section 26 and Section 28 of the NGT Act are unfounded. Section 26 of the NGT Act pertains to the penalty for failure to comply with orders of the Tribunal, and Section 28 provides for the recovery of amounts due under the Act. That in order to establish a case under Section 26, the Petitioner must provide evidence of deliberate disobedience or non-compliance with the orders of the Tribunal, which they have failed to do. The Petitioner's allegations are based on assumptions and not supported by any verifiable data or evidence. Therefore, the purported application is liable to be dismissed. In the present case, as demonstrated, there has been no violation of the Tribunal's order by the answering Respondents. It is pertinent to note that the Hon'ble Tribunal's directions were specific to the MoEF&CC to take a decision on the forest clearance proposal, which is still pending. That the answering Respondents have adhered to the directions of the Tribunal and have acted in accordance with the law. The letter dated 06.09.2023 (marked as Annexure 2) is a shred of clear evidence that the answering Respondents have complied with their obligation and hence they cannot be liable for the said act. Therefore, the allegations of the Petitioner under Section 26 and Section 28 of the NGT Act are baseless and devoid of merit.

II. PRELIMINARY SUBMISSIONS

1. That the Applicants, in their application, have alleged that three constructions, namely the Golden Pagoda Mediation

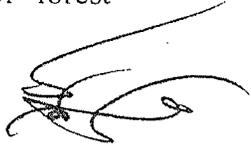

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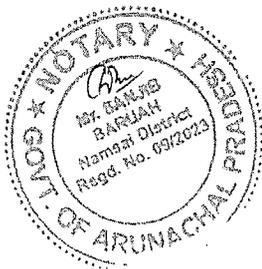


Centre in the Manabhum Reserve Forest, the District/Mini Secretariat Building in the Namsai Reserve Forest and the Lord Buddha Statue in the Manabhum Reserve Forest combined constitute encroachment activities. It is respectfully submitted that the allegations made are false and are a blatant attempt to mislead the Hon'ble Tribunal by placing before it false documents and misleading facts. The actual position regarding the aforementioned construction is expounded below:

A. Construction of Golden Pagoda Meditation Center (19.5 Hectare)

- i. The Golden Pagoda Meditation Centre, also known as "Kongmu- Kham", is a prominent Buddhist monastery and meditation center located in Tengapani, Namsai District, Arunachal Pradesh. That this center is a significant cultural and spiritual landmark in the region and is also historically important to the local people and has religious and cultural memoirs attached to it. The Government of Arunachal Pradesh sanctioned the project for the construction of a Tourist Complex including an Administrative Block, Dormitory for Tourists, Multipurpose Hall, Restaurant etc. in the year 2009 and the same was completed by 2013.
- ii. That it is humbly submitted that as has already been submitted before the Hon'ble NGT in our reply dated 17.04.2023 that despite the non-existence of forest


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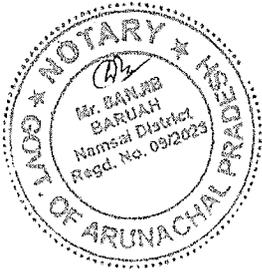


cover and existence of habitation since years, keeping in view the factum that the concerned area was Reserved Forest land, the Respondent submitted a proposal to the Namsai Forest Division on 04.09.2019 for Diversion of Forest land for 19.52 Hectares of Manbhum Reserve Forest land on which Golden Pagoda is located. In the proposal documents, it is seen that the Net Present Value (NPV), of the density of the forest, as calculated by the Namsai Forest Division is a meager 0.1%. Following this, the Namsai Forest Division submitted a proposal on 12.04.2022, seeking approval of the Central Government under the Forest Conservation Act 1980 for the Diversion of Forest land for 19.52 Hectares of Manbhum Reserve Forest land on which Golden Pagoda Buddhist religious site is located.

- iii. That in furtherance to the submission above it is respectfully submitted that vide letter dated 15.03.2024 the Central Government has also categorically conveyed its **in-principle/Stage-I Approval** for the diversion of 19.52 Hectares of forest land for the establishment of Golden Pagoda at Namsai under Namsai Forest Division in Namsai District of Arunachal Pradesh, which is self-explanatory. The relevant portion from the letter dated 15.03.2024 is reproduced below for ready reference:

After careful examination of the proposal of the State Government and on the basis of the

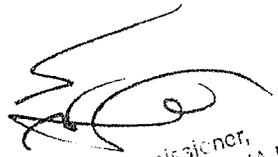
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recommendations of the Advisory Committee, and the approval of the same by the competent authority of the MoEF&CC, New Delhi, the Central Government hereby accords 'in-principle' approval under Section 2 (1) of the Van (Samrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of District Administration, Namsai Govt. Of Arunachal Pradesh for non-forestry use of 19.52 ha of forest land for establishment of Golden Pagoda at Namsai under Forest Division and District Namsai of Arunachal Pradesh subject to fulfillment of the following conditions.

- iv. That it humbly submitted that in furtherance of the approval granted by the Central Government, Respondent 3, Department of Environment, Forest & Climate Change Itanagar State Government of Arunachal Pradesh wrote to the Deputy Commissioner of the Namsai District, Respondent No. 8 herein vide letter dated 02.04.2024 for arranging and transfer of funds and amounts as proposed in the aforesaid letter in order to enable themselves to submit a compliance report in order to obtain final approval. It is pertinent to mention that there has been no construction undertaken in this region after the Order dated 28.07.2023 and the answering Respondents have duly complied with the Hon'ble Tribunals Order fulfilling their obligations.

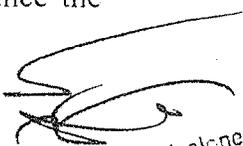
Copy of letter dated 15.03.2024 and 02.04.2024 is attached and annexed herewith as **Annexure R – 3** Colly.

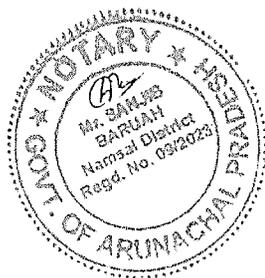

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B. Construction of District/Mini Secretariat Building (2.5 Hectares)

- i. Namsai District was created by the Government of Arunachal Pradesh in 2014 with the intention to provide proper administrative coverage and all-round development of the district. The district has a geographical area of 1587 Sq. Km. and with a population of 95,950 (as per 2011 Census) is among the most densely populated districts of the State. Therefore, the creation of the requisite infrastructure like the District Secretariat Building and others for officers and their subordinate staff was necessary for the effective functioning of the government machineries.
- ii. That it is humbly submitted that as has already been submitted before the Hon'ble NGT in our reply dated 17.04.2023 it is pertinent to mention that prior to the Construction of the District Secretariat, the land in question was a completely swampy area, devoid of any plantation or habitation. This is the reason why it was vacant despite being located in a prime Central area. Not a single tree fell in this swampy area. This can be verified from the Project report which shows that 16458 Cubic Meters of earth filling was done in this area.
- iii. That in this regard it is further submitted that after the Hon'ble Tribunal reserved the matter to pronounce the


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Judgment on 26.07.2023. Thereafter, the Department of Environment, Forests & Climate Change, Government of Arunachal Pradesh on 27.07.2023 circulated an Order dated 27.07.2023 regarding “*Empowered Committee to Examine and File Interlocutory Applications (IAs) with respect to the Proposals for De-reservation of forest land in the state of Arunachal Pradesh*”. In the said Order it was categorically observed as under:

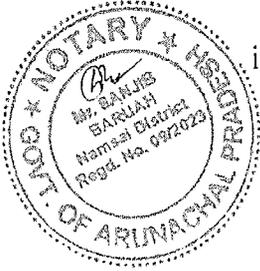
“In order to address historical issues related to notified forest areas, including existing settlements/ development of public utilities’ infrastructure the Government has been pleased to constitute an ‘Empowered Committee’ to holistically examine the necessary de-reservation proposals of identified areas and file self-contained Interlocutory Application (IAs) for consideration of the Hon’ble Supreme Court at the earliest possible.

The impugned decades old installations/ recognized settlements/ public development works falling within such identified area(s) may be covered and included within the ambit of the IAs which would be finalized by the Land Management Department in accordance with the applicable Statutes/Guidelines with assistance from the Law & Judicial and Environment, Forest & Climate Change Departments, Deputy Commissioners and Divisional Forest Officers concerned.

The finalized and self-contained IAs for de-reservation may be filed by the Land Management Department before the Hon’ble Supreme Court of India for grant of permission for de-reservation of the identified lands as per the due process of Law and rulings of the Hon’ble Supreme Court from time to time, covering townships/recognized settlements and further development, with the prior approval of the State Government.”

Copy of the Order/communication dated 27.07.2023 is attached and annexed herewith as **Annexure R – 4**.


Deputy Commissioner,
Namnai District: Namnai (A.P)



- iv. That it is submitted that vide judgment dated 28.07.2023 in the above-captioned matter the Hon'ble National Green Tribunal was pleased to dispose of the Application. The Hon'ble National Green Tribunal, vide para 13 of the above-mentioned order has given Respondent No.1 i.e. MoEF & CC of the following directions:

13. We, accordingly dispose of the Original Application with a direction to the Respondent No. 1. Ministry of Environment, Forest and Climate Change to take a decision in accordance with law, within a period of two months regarding the proposal for grant of Forest Clearance stated to have been submitted before it which is pending before Inspector General of Forest (C). MoEF & CC submitted under Government of Arunachal Pradesh, Department of Environment and Forest letter dated 27.12.2021, Annexure-R-23 (page no.367) of the paper book. This letter indicates that in lieu of the area of 19.52 hectares for diversion. Compensatory Afforestation has been proposed in the Namsai Forest Range at location Tengapani Reserve Forest, area of 39.04 hectares. The Respondent No.1 shall also consider the matter with regard to de-reservation of any additional area which may have been taken up for construction, in accordance with law ensuring in the process adequate compensatory afforestation.

- v. That it is submitted in this regard that as per this Order by the Hon'ble National Green Tribunal, the Ministry was directed to take a decision within a period of two months from the date of the order i.e. from 28.07.2023. However, it may be noted that the Ministry has not responded till date, nor has the Ministry issued any other order stopping the Department from continuing the construction activities. Further, it is also pertinent to


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mention that though vide order dated 16.03.2023 a stay was granted on the construction activities with respect to only Manabhum Reserve Forest and Namsai Reserve Forest. The said Order dated 16 03.2023 states as follows "*List on 19.04.2023, till then there shall be a stay on all construction activities within the Namsai Forest area in question.*" Hence, the stay order was only operative till 19.04.2023 and was extended up to the final order.

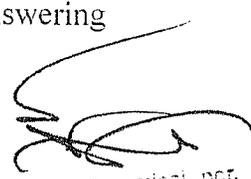
- vi. That it is further submitted in this regard that the Hon'ble Tribunal in para no. 11 has observed as under:

"However, we are of the view that the matter regarding de-reservation of the forest area lies exclusively within the domain of the Central Government in lieu of the provisions of Section 2 of the Forest (Conservation) Act, 1980."

- vii. From the aforesaid facts, it may be evident that though a stay was granted by way of the Order dated 16.03.2023, however, thereafter all the interim applications were disposed of vide judgment dated. 28.07.2023 as stated in paragraph 15 of the Judgment. The para 15 of the Order is reproduced below for ready reference:

"Interlocutory Applications, if any, stand disposed of accordingly."

It is pertinent to mention that the Application for the de-reservation has already been initiated with the State Government. Hence, there is no non-compliance of any Order by the State Government and the answering


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Respondents in the captioned matter. Thus, in view of the aforesaid facts and circumstances of the subject matter, it is humbly submitted that there is no breach of the Order Passed by the Hon'ble NGT and till such time there is any specific stay order conveyed to the Department by the Ministry of Environment, Forest and Climate Change, the work being in Public Interest can be taken up.

- viii. That in this regard it becomes pertinent to mention herein that the Government of Arunachal Pradesh has released funds under SASCI (Govt of India funded) for the subject work. Also, this Department is bound by terms of the legal Agreement with the Contractor for the execution of the work, failing to do so, shall also entail possible legal proceedings along with loss to the Govt exchequer.
- ix. That it is humbly submitted before the Hon'ble NGT that in Judgment dated 28.07.2023 paragraph 8 of the Judgment, it was observed hereunder:

"8. It is stated that as far as Namsai Reserved Forest is concerned, earlier an area of 23.72 sq. km. (2372 hectares) was declared as Namsai Reserved Forest in 1936. As per Working Plan from 2005-06 to 2014-15, the area of Namsai Reserved Forest was computed from map and found to be 19.88 sq. km. as against the notified area 23.72 sq. km. (2372 hectares). Thus, showing a difference in excess of 387 hectares of notified area. The Working Plan Officer also pointed out that out of the said area of 19.88 sq. km. (computed area), an area of 12.93 sq. km. was under encroachment at the time, meaning by 1999-2000 when survey

[Signature]
Deputy Commissioner
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and enumeration was done. Thus, in effect, the area of Namsai Reserved Forest under possession of Forest Department stood at 6.95 sq. km. only (695 hectares) in year 2000 when the survey had been undertaken by the Forest Department. More than 20 years have elapsed since then and Namsai township, which was a sub-divisional headquarter in 2005 has been declared a district headquarter in 2014 and now in 2023 includes a host of Government Department together with infrastructure required for a District Headquarter like hospitals, petrol pumps, bus stands, schools, colleges, electricity, water supply, roads, markets etc. It is stated that there are also private residences, markets, Buddhist monasteries, tea gardens and cultivation fields scattered all around the fringe areas of the township. Namsai District has also been declared an Aspirational District of Arunachal Pradesh by the Government of India. It is also stated that there is a saw-cum- veneer industry. M/s Birds and Company was established in 1929 at Murkongselek, thereafter, M/s Jalan Group of Industries took over the said factory in 1948 and renamed it as M/s Arunachal Plywood Industries Ltd. Lease was granted w.e.f.1952 to 30.09.1967 and again renewed from 01.09.1967 to 30.09.1982 and from 01.08.1986 to 31.07.1998, for which lease was granted and lease rent for 3,27,738 sq. m. of land has been deposited by M/s Arunachal Plywood Industries Ltd., for the period from 1992-2006 and though the company has become defunct it has been encroached by the public. It is stated that this land was leased long before the enforcement of the Forest (Conservation) Act, 1980, and, therefore, there has been no violation of the said Act."

- x. That in this regard it is further pointed out that in the Judgment dated 28.07.2023 the Hon'ble Tribunal has clearly observed in paragraph 14 of the Judgment and the same is reproduced below for ready reference:

"14. We further direct that the interim order passed by this Tribunal on 16.03.2023 shall be subject to any final order which may be passed by the Respondent No.1. Ministry of Environment, Forests and Climate Change."

- xi. That in this regard the letter dated 06.09.2023, written by Respondent No. 2 to Respondent No. 1,


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MOEFF&CC is again highlighted to undermine the chronology of events. That in the said letter Respondent No. 2 duly wrote to Respondent No. 1 Ministry of Environment, Forests and Climate Change (MoEF&CC) and it was duly informed through that letter that the answering Respondents will be continuing with the construction activity. No orders staying the Construction were conveyed by the Central Government in this regard.

- xii. That vide letter date 14.09.2023 Respondent 8, Deputy Commissioner, Namsai District once again wrote to the Government of Arunachal Pradesh regarding the de-reservation proposal of Namsai District Headquarter. The relevant portion from the said letter is reproduced below for ready reference:

In pursuance to Govt order no FOR.51/Cons/2021/4301-310, Dated. Itanagar 27th July 2023 and letter No. TP-22/3/2023 DIR-TP dated 28th April 2023, I am submitting herewith proposal for De-Reservation along with form A Part-1 (Old Format) as per the Forest Conservation Rule 2003 in respect of Namsai Township under Namsai Reserved Forest measuring 5870 Acres of land under occupation of the Administrative HQ Since 1953 for favor of your further necessary action please.

The process for De-reservation of Namsai Reserved Forest was initiated in the year 2005 and still pending.

This is for your kind information and necessary action please.


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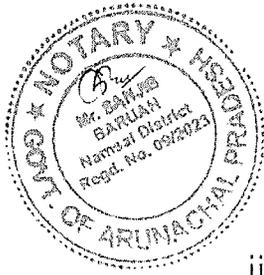
Copy of the letter dated 14.09.2023 is attached and annexed herewith as **Annexure R – 5**.

- xiii. That it is humbly submitted that on passing of the NGT Order on 16.03.2023, the work of construction of the District Secretariat at Namsai was immediately stopped in compliance of the Order of the Hon'ble National Green Tribunal. It was anticipated that concerned Respondents in the case would take a decision within a period of two months as ordered by the Hon'ble NGT and any subsequent orders of the Hon'ble NGT would clear the matter that would allow the work to be continued. As such, this Department had halted the work till December 2023. However, since no action was seen forthcoming from the related Respondent within the prescribed time, a legal opinion was sought in this regard by way of abundant caution.

C. Construction of Lord Buddha Statue (5 Hectare)

- i. That the construction of the Lord Buddha Project, encompassing an area of 5 hectares, represents a significant cultural and religious undertaking aimed at promoting the spiritual heritage of the Buddhist community in the region. The project entails the erection of a colossal 180-foot statue of Lord Buddha, located at Dhamma Hill (Lal Pahar), a site

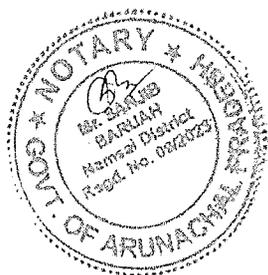

Deputy Commissioner,
Namsai District: Namsai (A.P)



of profound religious significance within the Lathao Circle.

- ii. It is humbly submitted that as has already been submitted before the Hon'ble NGT in our reply dated 17.04.2023 that the inception of the Lord Buddha Project dates back to 2009, with the statue's construction commencing at that time. That the local inhabitants claim that the area in which the Statue is constructed is within their village boundary and the status of the area could not be ascertained as of date. That with regard to this claim, a Title Suit No. NM(2)/2015 had been filed in the court of District Judge East Sessions Division in the year 2015 and the matter is sub-judice. To the best of our record, the construction of the Statue commenced in 2009 and as evidenced from a news article dated 02.11.2018, the Statue was substantially constructed by 2018.
- iii. It is brought to the notice of the Hon'ble Tribunal that an officer of the Namsai Forest Division on his visit to Manabhum Forest Range, Lathao observed and found the raising of orange gardens, tea plantations and construction of a road leading to an under-construction site of a religious and other structure as early as 25.04.2015.


Deputy Commissioner,
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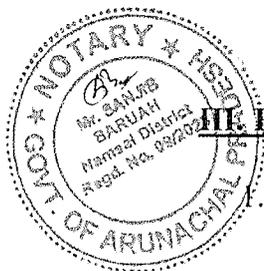
Copy of documents pertaining to the Title Suit No. NM(2)/2015 are annexed herewith as **Annexure R-6 (Colly)**.

Copy of the news article dated 02.11.2018 is annexed herewith as **Annexure R – 7**.

Copy of the letter issued by Namsai Forest Division dated 25.04.2015 is annexed herewith as **Annexure R-8 (Colly)**.

2. That the Applicants have mischievously misplaced the facts before the Hon'ble Tribunal citing destruction and encroachment of Reserved Forest areas where no forest exists as of the date or that no forests/trees existed at least since the year 2000 and the fact is already existing on the official record of Forest Department since at least 2000.
3. That it is humbly submitted that the Applicants have shown a flagrant disregard for the efforts of the Respondent authorities and have tried to mislead the Hon'ble Tribunal by projecting the construction activities as recent and intentional. However, any construction undertaken was in the public interest to safeguard the rights of the public at large, considering the needs and growing population of the Namsai District region. Any work initiated was only in the larger public interest essential for the development and welfare of the community, ensuring the provision of necessary infrastructure and services for the public.


Deputy Commissioner,
Namsai District: Namsai (A.P.)

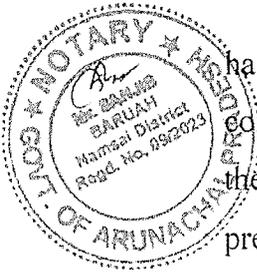


THE PARA WISE REPLY TO THE APPLICATION:

1. That the contents of Para 1-2 save as are matters of fact or record are wrong and denied. It is submitted that the applicants herein have resorted to misrepresentation of facts and misleading documents to procure orders from the Hon'ble NGT. The same has been brought out in the preliminary submissions and may be read as part and parcel of the Para under reply. That it is further submitted in this regard that the Applicants are a busy body with mischievous intent to disrupt and derail development projects in Namsai and appear to be motivated for their political and religious advancement. However, for the sake of clarity, the contents of the preliminary objection and preliminary submissions may be read in this regard and are not being repeated herein for the sake of brevity.

2. That the contents of Para 3-6 save as are matters of fact or record are wrong and denied. It is humbly submitted that Judgment 28.07.2023 categorically instructed the MOEF&CC to take the decision in this regard within two months from the date of the Order. Further, it was also held by the Hon'ble Tribunal that the interim Order passed by this Tribunal on 16.03.2023 shall be subject to any final order which may be passed by Respondent No. 1 MOEF&CC. There has been no action or no compliance of the same by Respondent No. 1, despite it being the duty of Respondent 1, the answering Respondents wrote to MOEF&CC seeking their informed decision on the said matter, and still, there

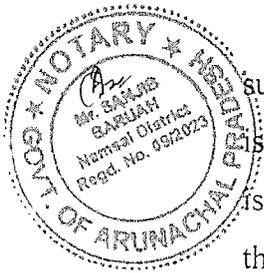

Deputy Commissioner,
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has been no representation. The answering Respondents have duly complied with their responsibility and there is no disobedience on their part. However, for the sake of clarity, the contents of the preliminary objection and preliminary submissions may be read in this regard and are not being repeated herein for the sake of brevity. More specifically the contents of Preliminary Objections may be read in this regard and are not being repeated herein for the sake of brevity.

3. That the contents of Para 7- 10 save as are matters of fact or record are wrong and denied. It is vehemently denied that there the Respondents had deliberately and willfully overreached and frustrated the order passed by the Hon'ble Tribunal and to disrespect and demean and undermined the authority of the Hon'ble Tribunal eye. The answering Respondents have entirely complied with the directions of the Hon'ble Tribunal. The claim of the Applicant is devoid of any substantial evidence.
4. That the contents of Para 11-13 save as are matters of fact or record are wrong and denied. It is urged that the Applicants are deliberately trying to mislead the Hon'ble Tribunal. It is urged that the purported Application and accusations made therein against the Respondents are bereft of any cause, facts and evidence. That Annexures A5 to A8 are the only evidence in the form of photographs which are not verified as opposed to specific averments to the alleged areas. In light of the foregoing, it is respectfully submitted that the unverified photographs should not be accorded any evidentiary value, and the allegations based on


Deputy Commissioner,
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such inadmissible evidence should be dismissed. The Application is bereft of any particulars. No particular/ specific harm or damage is shown to have been caused to the environment. However, for the sake of clarity, the contents of the preliminary objection and preliminary submissions may be read in this regard and are not being repeated herein for the sake of brevity.

That the present Application is not maintainable, and no ground has been made out to impose the penalties granted under Sections 26 and 28 of the NGT Act. The present Application is liable to be dismissed with heavy costs.

We seek the indulgence of the Hon'ble Tribunal to add, amend & substitute the submission made in the Reply based on further inputs from various departments.

IV. PRAYER/RELIEF SOUGHT

1. In light of the preliminary submissions and objections made herein above the prayers made are wrong and emphatically denied in light of the submissions made in the preliminary objections, preliminary submissions and para-wise reply. Authorities have discharged their duty under the law and no cause of action has either arisen or been established in favour of the Applicants and against the Respondent Authorities. The Application is liable to be dismissed with heavy costs.

It is therefore humbly prayed accordingly.


Deputy Commissioner,
Namsai District :: Namsai (A 2)



[Signature]

RESPONDENTS

Deputy Commissioner,
Namsai District :: Namsai (A.P)

THROUGH

[Signature] *[Signature]* *[Signature]*
MS. GINNY J. RAUTRAY, MR. NAVDEEP SINGH
MS. DEVIKA THAKUR & MR. RANVIJAY SINGH
(RAUTRAY & CO.)

ADVOCATES FOR THE
RESPONDENT 2, 3, 5, 6, 7, 8 & 9
B3/18 VASANT VIHAR,

PLACE:

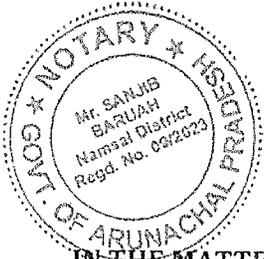
NEW DELHI – 110057

DATED:

MOBILE NO. +91 9811287117

E-MAIL: MAIL@RAUTRAY.COM

ENROLLMENT NO: D/956-1995



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
M.A.NO. 19/2024/EZ IN O.A.25/2023/EZ

IN THE MATTER OF:

JAMES TELI CAMDER & TONGAM JOMOH

.... APPLICANT(S)

VERSUS

MOEF & CC AND ORS

.... RESPONDENTS

AFFIDAVIT

I, Mr. Chuni Rangdol Khampa, S/o- Mr. Late Lama Rapjam, aged 54 years, Deputy Commissioner, Namsai, Namsai, Arunachal Pradesh having its registered office at Mini Secretariat, O/o- The Deputy Commissioner, Namsai, Arunachal Pradesh-792103, duly authorized, hereby solemnly affirm and declare as under:

1. That I am the Deputy Commissioner of Namsai District, Arunachal Pradesh and an authorized representative of the Respondent No. 2,3,5,6,7,8 and 9 as such being conversant with the facts and circumstances of the case, I am competent to depose this affidavit.
2. That the accompanying Counter-Affidavit has been drafted under my instructions on my behalf.
3. That I have read and understood the contents of the application and the contents of the same be read as part of this affidavit.

DEPONENT

Deputy Commissioner,
Namsai District Namsai (A.P)

VERIFICATION:

I the abovenamed deponent do hereby verify that the contents of the affidavit are true to my knowledge and no part of the same is false.

Verified at Namsai on this 27th Day of June 2024.

DEPONENT

Deputy Commissioner,
Namsai District Namsai (A.P)

The above named deponent sworn and signed before me on this 27th day of June 2024.

Solemnly Affirmed &
Declared Before me on
Identification

NOTARY PUBLIC
Mr. Sanjib Saruah
NAMSAI
Regd. No. 09/2023

ANNEXURE R-1

DHARMENDRA, IAS
CHIEF SECRETARY

0360 : 2212595 (Off)
0360 : 2212446 (Fax)
email : cs-arunachal@nic.in



GOVERNMENT OF
ARUNACHAL PRADESH
ITANAGAR - 791111

D.O. No.PD(SPD)-18/2020-21

Dated 06-09-2023

Dear Madam,

I am writing in connection with the Case 'Original application No. 25/2023/EZ (I.A No.32/2023/EZ)' filed in the National Green Tribunal (NGT), Kolkata Bench in respect of certain infrastructure projects in Namsai District of Arunachal Pradesh.

As you may be aware, after hearing the matter, NGT passed the Final Order on 28th July 2023. The operative part of the order is reproduced below for ready reference:

- Para 13 "We, accordingly dispose of this Original Application with a direction to the Respondent No.1, Ministry of Environment, Forests and Climate Change, to take decision in accordance with law, within a period of two months regarding the proposal for grant of Forest Clearance stated to have been submitted before it which is pending before the Inspector General of Forests (C), Ministry of Environment Forest & Climate Change, Government of India submitted under Government of Arunachal Pradesh, Department of Environment and Forest letter dated 27.12.2021, Annexure-R-23 (page No. 367) of the paper book. This letter indicates that in lieu of the area of 19.52 hectares for diversion, Compensatory Afforestation has been proposed in the Namsai Forest Range at location-Tengapani Reserve Forest, area of 39.04 hectares. The Respondent No. 1 shall also consider the matter with regard to de-reservation of any additional area which may have been taken up for construction, in accordance with law ensuring in the process adequate compensatory afforestation."

The NGT further directed that the interim order dated 16th March 2023 shall be subject to any final order which may be passed by the Ministry of Environment, Forest and Climate Change, Government of India.

Consequent upon the issue of final order by NGT, the State Government intends to proceed with completion of the sanctioned and ongoing public infrastructure projects in Namsai District to avoid time overruns and cost escalation.

The sanctioned works related to the District Secretariat and other public infrastructure works are not only urgent in nature, but involve opportunity cost in terms of Government expenditure prioritization and allocation in the annual budget cycle. Therefore, in the interest of timely progress and completion of ongoing works, especially in the context of the 'Aspirational District' of Namsai, the State Government intends to complete the remaining parts of the duly sanctioned project(s) while simultaneously processing the proposal for de-reservation of the area of Namsai Township, which is the District Headquarter of the Aspirational District, Namsai in accordance with law.

We look forward to the informed opinion of your Ministry in this matter.

With regards.

Your Sincerely
Dharmendra
(Dharmendra)

Ms. Leena Nandan, IAS
Secretary to the Government of India,
Ministry of Environment, Forest & Climate Change,
Paryavaran Bhawan,
New Delhi
Email: secy-moef@nic.in

2022 SCC OnLine SC 1770

In the Supreme Court of India

(BEFORE S. ABDUL NAZEER AND VIKRAM NATH, JJ.)

State of U.P. thr. Secretary and Others ... Appellant

(s);

Versus

Prem Chopra ... Respondent(s).

Civil Appeal No. 2417 of 2022 (Arising out of S.L.P. (Civil) No. 15330 of 2019)

Decided on March 25, 2022

Advocates who appeared in this case :

For Petitioner(s) Mr. Samar Vijay Singh, AOR

Mr. Amit Ojha, Adv.

Mr. Vipin singh Bansal, Adv.

For Respondent(s) Mr. Ashok Kumar Singh, AOR

Ms. Pragya Singh, Adv.

Mr. Akshay Singh, Adv.

Mr. Shantwanu Singh, Adv.

The Order of the Court was delivered by

S. ABDUL NAZEER, J.:— Leave granted.

2. This appeal is directed against the order dated 10.05.2018 passed by the High Court of Judicature at Allahabad (Lucknow Bench) in Misc. Single No. 2582 of 2003 whereby the High Court has set aside the demand made by the appellants for a sum of Rs. 10,08,210.51 towards interest on arrears of excise revenue.

3. Brief facts necessary for disposal of this case are as under:

On 14.03.2002, the Government of Uttar Pradesh declared the Excise Policy for the year 2002-2003. On the basis of the Excise Policy and under the provisions of U.P. Excise (Settlement of License for Retail Sale of Country Liquor) Rules, 2002 (for short 'the Rules'), the District Magistrate/Collector, Lakhimpur Kheri issued an advertisement for the settlement of the excise shops for the year 2002-2003.

4. The respondent submitted an application in the prescribed form for grant of license for the retail sale of country liquor shop, Mohammadi No. 1, Lakhimpur Kheri. A license was granted to the respondents for the year 2002-2003 (from 01.04.2002 to 31.03.2003) for an annual license fee of Rs. 29,52,000/-.

5. In the month of December 2002, the respondent submitted an

application for surrendering the excise shop/license.

6. As per the terms and conditions of the settlement, the respondent was liable to pay license fee for the shop for the aforesaid period i.e. from 01.04.2002 to 31.03.2003. The respondent had lifted quota of Rs. 20,35,212/- by the month ending 31.12.2002.

7. The appellants vide notice dated 06.01.2003 apprised to the respondent that the application filed by him for surrender of excise shop can be entertained only after deposit of balance of Rs. 9,16,788/- towards license fee. On 25.01.2003 the appellants again issued notice to the respondent to pay the outstanding license fee amounting to Rs. 9,16,788/- within a week.

8. The respondent preferred Writ Petition No. 855 (MB) of 2003 wherein the High Court directed the respondent to file an appeal before the Additional Commissioner Excise (Licensing and Industrial Development) U.P. Accordingly, the respondent filed an appeal on 19.02.2003 before the Excise Commissioner, U.P., Allahabad. Subsequently on 08.03.2003, the license of the respondent was cancelled. The Excise Commissioner, while dismissing the appeal vide order dated 23.04.2003, held that under Rule 19 and Section 36 of the U.P. Excise Act, 1910 (for short, 'the Act'), the respondent is liable to pay entire dues. The revision filed by the respondent was also dismissed by the Secretary, Excise Department by order dated 18.07.2003.

9. After cancellation of the license, the District Excise Officer recalculated the total amount due against the respondent and adjusted the amount of security of Rs. 2,95,200/- out of total amount of Rs. 9,38,762/- and found the respondent was still liable to pay Rs. 6,43,562/- to the Department.

10. Aggrieved by the order dated 18.07.2003, the respondent filed the writ petition, Misc. Single No. 2582 of 2003, before the High Court of Judicature at Allahabad (Lucknow Bench). The High Court, vide order dated 01.08.2003, stayed the said recovery proceedings subject to deposit of Rs. 2,75,000/- by the respondent before the District Excise Officer.

11. The appellants filed counter affidavit in the writ petition on 13.02.2004. On 21.12.2015, the writ petition was dismissed by the High Court for non-prosecution. In the year 2017, the respondent deposited the remaining amount of Rs. 3,68,562/- with the Department. Thus, the amount which was due in 2003 was paid in the year 2017 but the respondent failed to make payment of interest to the Department. The order dated 21.12.2015 was recalled by the High Court on 19.01.2018.

12. Further, on 10.01.2018, the Department issued notice to the

respondent for payment of Rs. 10,08,210.51 due towards interest. On 10.05.2018 the High Court passed the impugned order holding that the demand of Rs. 10,08,210.51 towards interest was not justified as the respondent was under the protection of an interim order.

13. Learned counsel for the appellants submits that as per the terms and conditions of the settlement, the respondent was liable to pay the license fee for the shop for the year 2002-2003. He did not pay the license fee from January 2003 to March 2003. He went on challenging the demand made by the Department for payment of balance of license fee and remained unsuccessful in his challenge. Finally, he filed the writ petition before the High Court i.e. Misc. Single No. 2582 of 2003 wherein an interim order was granted. On account of this order, the appellants were restrained from collecting license fee. The writ petition was dismissed for non-prosecution. The respondent had deposited the remaining license fee in the year 2017 but failed to pay the interest to the Department. It is argued that when the writ petition was dismissed, the respondent ought to have paid the interest accrued on the license fee. It is further argued that the High Court was not justified in denying interest on the ground that the appellant had the protection of an interim order granted by the court.

14. On the other hand, learned counsel for the respondent submitted that the High Court had restrained the appellants from recovering the license fee by an interim order. The respondent has paid the license fee in the year 2017. Therefore, the appellants are not justified in demanding interest for the period during which a stay on recovery of license fee was granted by the High Court.

15. Having regard to the contentions urged, the question which falls for consideration is whether the respondent is liable to pay interest for the period during which recovery of license fee under Section 36 of the Act was stayed by the High Court and eventually when the writ petition was dismissed.

16. Section 38-A of the Act specifically provides for payment of interest on arrears of excise revenue which is as under:

"38-A. Interest on arrears of excise revenue -

(1) Where any excise revenue has not been paid within three months from the date on which it become payable, interest at such rate not exceeding twenty-four per cent per annum, as may be prescribed, shall be payable from the date such excise revenue becomes payable till the date of actual payment:

Provided that until a higher rate is prescribed, the rate of interest will be eighteen *per cent per annum*."

17. It is not disputed that the respondent was liable to pay license fee under Section 36 of the Act for the year 2002-2003, even on

surrender of the license. The High Court had granted an interim order restraining the appellants from recovery of the license fee for three months, subject to the respondent depositing a sum of Rs. 2,75,000/- within a period of six weeks. Admittedly, the writ petition was dismissed on 21.12.2015 for non-prosecution, which was restored later.

18. When the interim order was in force, the recovery of license fee was temporarily suspended. The restraint was only against the Department not to recover the license fee. There was no prohibition for the respondent to deposit the balance of license fee. It is to be stated here that the High Court has not quashed the demand of license fee made by the appellants. There is a difference between stay of operation of an order and quashing of an order which has been explained by this Court in *Shree Chamundi Mopeds Ltd. v. Church of South India Trust Association CSI CINOD Secretariat, Madras*¹ as under:

"While considering the effect of an interim order staying the operation of the order under challenge, a distinction has to be made between quashing of an order and stay of operation of an order. Quashing of an order results in the restoration of the position as it stood on the date of the passing of the order which has been quashed. The stay of operation of an order does not, however, lead to such a result. It only means that the order which has been stayed would not be operative from the date of the passing of the stay order and it does not mean that the said order has been wiped out from existence."

19. Following the said decision, this Court in *Kanoria Chemicals and Industries Ltd. v. U.P. State Electricity Board*,² has held that an order of stay which is granted during the pendency of a writ petition/suit or other proceeding comes to an end with the dismissal of the substantive proceedings and it is the duty of the court in such cases to put the parties in the same position that they would have been in but for the interim order of the court. In that case, this Court rejected the contention that when the operation of the notification itself was stayed, no surcharge could be demanded upon the amount withheld. It was held thus:

"11.Holding otherwise would mean that even though the Electricity Board, who was the respondent in the writ petitions succeeded therein, yet deprived of the late payment surcharge which was due to it under the tariff rules/regulations. It would be a case where the Board suffers prejudice on account of the orders of the court and for no fault of its. It succeeds in the writ petition and yet loses. The consumer files the writ petition, obtains stay of operation of the notification revising the rates and fails in his attack upon the validity of the notification and yet he is relieved of the obligation to

pay the late payment surcharge for the period of stay, which he is liable to pay according to the statutory terms and conditions of supply — which terms and conditions indeed form part of the contract of supply entered into by him with the Board. We do not think that any such unfair and inequitable proposition can be sustained in law.

xxx

xxx

xxx

It is equally well settled that an order of stay granted pending disposal of a writ petition/suit or other proceeding, comes to an end with the dismissal of the substantive proceeding and that it is the duty of the court in such a case to put the parties in the same position they would have been but for the interim orders of the court. Any other view would result in the act or order of the court prejudicing a party (Board in this case) for no fault of its and would also mean rewarding a writ petitioner in spite of his failure. We do not think that any such unjust consequence can be countenanced by the courts. As a matter of fact, the contention of the consumers herein, extended logically should mean that even the enhanced rates are also not payable for the period covered by the order of stay because the operation of the very notification revising/enhancing the tariff rates was stayed. Mercifully, no such argument was urged by the appellants. It is understandable how the enhanced rates can be said to be payable but not the late payment surcharge thereon, when both the enhancement and the late payment surcharge are provided by the same notification — the operation of which was stayed."

20. In *Rajasthan Housing Board v. Krishna Kumari*,² this Court observed that Order 39 of the Civil Procedure Code, 1908 provides for grant of temporary injunction at the risk and responsibility of the person who obtains it and, if ultimately case is decided against such person, he would be liable to pay interest on the arrears of any amount due which had been stayed by the injunction order. The legal maxim *actus curiae neminem gravabit*, which means that an act of the Court shall prejudice no man, becomes applicable in such a case.

21. In *South Eastern Coalfields Ltd. v. State of M.P.*,⁴ the writ petitioner therein had argued that interest accrued due to non-payment of enhanced amount of royalty was protected by a judicial order of an interim nature and, therefore, merely because the writ was finally dismissed, the writ petitioner should not be held liable for payment of interest so long as money was withheld under the protective umbrella of the injunction order. This submission was rejected by this Court by holding as under:

"The principle of restitution has been statutorily recognized in

Section 144 of the Civil Procedure Code, 1908. Section 144 CPC speaks not only of a decree being varied, reversed, set aside or modified but also includes an order on a par with a decree. The scope of the provision is wide enough so as to include therein almost all the kinds of variation, reversal, setting aside or modification of a decree or order. The interim order passed by the court merges into a final decision. The validity of an interim order, passed in favour of a party, stands reversed in the event of a final decision going against the party successful at the interim stage. Unless otherwise ordered by the court, the successful party at the end would be justified with all expediency in demanding compensation and being placed in the same situation in which it would have been if the interim order would not have been passed against it. The successful party can demand (a) the delivery of benefit earned by the opposite party under the interim order of the court, or (b) to make restitution for what it has lost; and it is the duty of the court to do so unless it feels that in the facts and on the circumstances of the case, the restitution far from meeting the ends of justice, would rather defeat the same. Undoing the effect of an interim order by resorting to principles of restitution is an obligation of the party, who has gained by the interim order of the court, so as to wipe out the effect of the interim order passed which, in view of the reasoning adopted by the court at the stage of final decision, the court earlier would not or ought not to have passed. There is nothing wrong in an effort being made to restore the parties to the same position in which they would have been if the interim order would not have existed."

22. In *Nava Bharat Ferro Alloys Limited v. Transmission Corporation of Andhra Pradesh Limited*,⁵ the appellant therein had challenged the revised tariff rates imposed by the respondent therein and obtained an interim order of stay against collection of the disputed amounts. The High Court subsequently upheld upward revision of tariff. Thereafter, the respondent therein raised a demand for additional charges/interest on outstanding amounts from the date of tariff revision and the High Court upheld such demand holding that there was no subsisting relief once the demand was upheld. This Court further held that the principle of restitution entitles the successful party to be restored back to the position it would hold had there been no order/judgment adverse to it. The appellant therein had obtained only an ad-interim order of stay against enforcement of tariffs. A party who fails in the main proceedings cannot take benefit from the interim order issued during the pendency of such proceedings. Therefore, it was held in that case that the amount became recoverable from the appellant therein no sooner the judgment of the High Court was reversed and the revision of tariffs was upheld.

23. In *State of Rajasthan v. J.K. Synthetics Limited*,⁶ the interest for the period of which recovery of royalty was to be paid under Section 9 (2) of the Mines and Minerals (Development and Regulation) Act, 1957 remained stayed under the interim orders of the court. However, eventually the writ petition was dismissed. This Court held that whenever there is an interim order of stay in regard to any revision in rate or tariff, unless the order granting interim stay or the final order dismissing the writ petition specifies otherwise, on the dismissal of the writ petition or vacation of the interim order, the beneficiary of the interim order shall have to pay interest on the amount withheld or not paid by virtue of the interim order. It was held thus:

"23. It is therefore evident that whenever there is an interim order of stay in regard to any revision in rate or tariff, unless the order granting interim stay or the final order dismissing the writ petition specifies otherwise, on the dismissal of the writ petition or vacation of the interim order, the beneficiary of the interim order shall have to pay interest on the amount withheld or not paid by virtue of the interim order. Where the statute or contract specifies the rate of interest, usually interest will have to be paid at such rate. Even where there is no statutory or contractual provision for payment of interest, the court will have to direct the payment of interest at a reasonable rate, by way of restitution, while vacating the order of interim stay, or dismissing the writ petition, unless there are special reasons for not doing so. Any other interpretation would encourage unscrupulous debtors to file writ petitions challenging the revision in tariffs/rates and make attempts to obtain interim orders of stay. If the obligation to make restitution by paying appropriate interest on the withheld amount is not strictly enforced, the loser will end up with a financial benefit by resorting to unjust litigation and the winner will end up as the loser financially for no fault of his. Be that as it may."

24. From the above discussion, it is clear that imposition of a stay on the operation of an order means that the order which has been stayed would not be operative from the date of passing of the stay order. However, it does not mean that the stayed order is wiped out from the existence, unless it is quashed. Once the proceedings, wherein a stay was granted, are dismissed, any interim order granted earlier merges with the final order. In other words, the interim order comes to an end with the dismissal of the proceedings. In such a situation, it is the duty of the Court to put the parties in the same position they would have been but for the interim order of the court, unless the order granting interim stay or final order dismissing the proceedings specifies otherwise. On the dismissal of the proceedings or vacation of the interim order, the beneficiary of the interim order shall have to pay

interest on the amount withheld or not paid by virtue of the interim order.

25. Coming to the facts of the present case, the respondent was not successful in his challenge to the notice dated 06.01.2003 demanding the balance of license fee before the Authorities under the Act. Therefore, he filed the writ petition bearing Misc. Single No. 2582 of 2003 before the High Court wherein the High Court, by an interim order, stayed the recovery of the monthly instalment of license fee for the months January 2003 to March 2003, subject to deposit of Rs. 2,75,000/- within a period of six weeks before the District Excise Officer. It is not disputed that this amount of Rs. 2,75,000/- was deposited by the respondent. The said writ petition was dismissed by the High Court for non-prosecution vide Order dated 21.12.2015. On 23.12.2017, the respondent deposited the remaining amount of Rs. 3,68,562/- towards license fee. However, the respondent did not make payment of interest to the Department. The writ petition was restored on 19.01.2018. In the meantime, the appellants issued a notice calling upon the respondent to pay Rs. 10,08,210.51/- towards interest due. The High Court held that the respondent was not liable to pay interest as he was under the protection of the interim order. Given the settled position of law, in our view the High Court has erred in holding that the respondent was not liable to pay interest due to the protection given under the interim order.

26. In the result, the appeal succeeds and it is accordingly allowed. The order of the High Court dated 10.05.2018 in Misc. Single No. 2582 of 2003 is set aside.

27. At this stage, learned counsel for the respondent submits that the respondent may be permitted to make an application under one-time settlement scheme 2021 wherein certain concessions have been made for payment of interest dues. The submission of the learned counsel is accepted and the respondent is permitted to make an application in terms of the said scheme within a period of eight weeks from today. We make it clear that if such an application is filed by the respondent, the authority concerned is directed to consider the same in accordance with law. No costs.

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 15330/2019
(Arising out of impugned final judgment and order dated 10-05-2018
in MS No. 2582/2003 passed by the High Court of Judicature at
Allahabad, Lucknow Bench)

State of Uttar Pradesh Through Secretary and
Others.....Petitioner(s)

Versus

Prem Chopra.....Respondent(s)

Date : 25-03-2022 This petition was called on for hearing today.

(BEFORE S. ABDUL NAZEER AND VIKRAM NATH, JJ.)

UPON hearing the counsel the Court made the following

ORDER

28. Leave granted.
29. The appeal is allowed in terms of the signed reportable order.
30. Pending applications, if any, also stand disposed of.

¹ (1992) 3 SCC 1

² (1997) 5 SCC 772

³ (2005) 13 SCC 151

⁴ (2003) 8 SCC 648

⁵ (2011) 1 SCC 216

⁶ (2011) 12 SCC 518

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F. No. AN 1081/2022-644/11

67895/2024

DL 15.03.2024



Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj
New Delhi - 110003
Dated: March, 2024

To
The Principal Secretary (Forests),
Government of Arunachal Pradesh,
Itanagar.

Sub: Proposal for regularisation of encroachment and ex-post facto approval of the Central Government under Section 2 (1) of the Adhinyam, 1980 in favour of District Administration, Namsai, Government of Arunachal Pradesh for non-forestry use of 19.52 ha of forest land for establishment of Golden Pagoda at Namsai under Forest Division and District Namsai of Arunachal Pradesh (Online proposal No. FP/AR/Others/154344/2022)

Madam/Sir,

I am directed to refer to the State Government of Arunachal Pradesh's letter No. FOR.14/Cons 2020/5354-57 dated 27.12.2021, and additional information submitted vide letter dated 22.05.2022, vide letter dated 26.04.2023 and vide letter dated 26.07.2023 on the above subject seeking prior approval of the Central Government in accordance with Section-2 (1) of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980. The proposal was considered by the Advisory Committee (AC) constituted by the Central Government under Section - 3 of the aforesaid Adhinyam, in its meeting held on 28.02.2024

2. After careful examination of the proposal of the State Government and on the basis of the recommendations of the Advisory Committee, and approval of the same by the competent authority of the MoEF&CC, New Delhi, the Central Government hereby accords **'in-principle'** approval under Section 2 (1) of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 in favour of District Administration, Namsai Govt. of Arunachal Pradesh for non-forestry use of 19.52 ha of forest land for establishment of Golden Pagoda at Namsai under Forest Division and District Namsai of Arunachal Pradesh subject to fulfilment of the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged.
- ii. **Compensatory Afforestation:**
 - a. The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation as per the approved CA Scheme at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal.
 - b. The State Government shall submit the CA scheme on degraded Forest land for four (4) times area of the land proposed for diversion as per



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guidelines 2023;

- c. The cost of survey, demarcation and erection of permanent pillars, if required on the identified CA land, shall be deposited in advance with the Forest Department by the user agency. The CA will be maintained for 10 years. The scheme may include afforestation of indigenous species with appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- d. The compensatory afforestation over degraded forest land, 4 times in extent to the forest land being diverted i.e. 78.08 ha, shall be raised by the State Forest Department at the project cost within three years from the date of grant of Stage - II approval;
- e. 25% of the CA cost additionally will be spent towards soil and moisture conservation activities in the proposed CA area as per site requirement and deposited in CAF;

iii. **NPV:**

- a. The User Agency shall transfer the funds towards the cost of Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 06.01.2022 read with 22.03.2022 through online portal of CAMPA account of the State Concerned;
- b. At the time of payment of the Net Present Value (NPV) at the present rate, the user agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- c. *The user agency shall pay the five (5) times penal NPV plus 12 percent simple interest from the date of raising such demand till the deposit is made by the user agency; The penal NPV is to be calculated on the whole of the diverted area since the whole of the diverted area is under occupation as on date;*
- iv. *The State Government shall ensure that a stone boundary wall shall be created on the Golden Pagoda site at the cost of the UA within the total diverted area;*
- v. *The State Government shall ensure that the green belt shall be maintained in the 9.71 ha. No change in land-use of green belt shall be permitted in the area.*
- vi. *The State Government shall also ensure that no further expansion of built-up area is undertaken beyond 9.74 ha. The partially complete structures under construction shall be completed, only as per the land-use plan submitted, from the eco-friendly materials only;*
- vii. *The State Government shall clarify the role of the Tai Khamti Heritage Society in the ownership and management of the Golden Pagoda before Stage-II approval;*
- viii. *The State Government shall ensure the compliance of the all relevant court orders in this matter;*
- ix. *The State Government or Regional Officer Shillong shall take action under section 3A 3B of the Adhinyam, 1980 and a report will be submitted to the*

- Ministry at the time of submission of compliance of Stage-I. The Regional office shall further peruse the progress of the offences booked against the erring officers. Furthermore, the State Govt. shall take strict action against officials as per the report of the Committee as constituted vide letter dated 08.08.2023 in pursuance of the Hon'ble NGT dated 28.07.2023;
- x. The State Government shall submit the updated status report of the cases booked in relevant forest acts with respect to the present proposal area;
 - xi. No further diversion of forest for non-forestry activity will be sought at the site of Golden Pagoda project or nearby area in future;
 - xii. No further diversion of forest for non-site-specific purpose shall be considered in future for projects inside notified Forest area in Namsai District that find mention in the Hon'ble National Green Tribunal Original Application NO. 25/2023/EZ (I.A. NO.32/2023/EZ) Interim Order dated 16.03.2023 and Finals Orders dated 28.07.2023;
 - xiii. The State Government shall ensure that all other encroachments on the notified forest land shall be removed in a phased manner while following the extant Rehabilitation & Re-settlement policy. The State Government shall submit a plan and progress report for the same at the time of seeking Stage-II approval;
 - xiv. Compensatory levies to be realized from the User Agency under the project shall be transferred/ deposited, through e-challan, in to the account of CAMPA pertaining to the State concerned through e-portal (<https://parivesh.nic.in/>);
 - xv. The KML files of diverted area, the CA areas and the proposed SMC treatment area shall be uploaded on the e-Green watch portal with all requisite details prior to Stage-II approval;
 - xvi. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
 - xvii. Trees should be felled in phased manner as per the requirement with prior permission of concerned DFO;
 - xviii. The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.
 - xix. No labour camp shall be established on the forest land and the User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
 - xx. The layout plan of the proposal shall not be changed without the prior approval of the Central Government and the forest land shall not be used for any purpose other than that specified in the proposal;
 - xxi. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
 - xxii. No damage to the flora and fauna of the adjoining area shall be caused;
 - xxiii. Any other condition that the concerned Regional Office of this Ministry may stipulate with the approval of competent authority in the interest of conservation, protection and development of forests & wildlife; and
 - xxiv. The user agency shall comply with all the provisions of the all Acts, Rules.

Regulations, Guidelines, complete compliance of the FRA, 2006, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force; as applicable to the project.

- xxv. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.16 of Chapter 1 of the Handbook of comprehensive guidelines of Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 29.12.2023.
- xxvi. The User Agency shall submit the annual self-compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly;
- xxvii. The compliance report shall be uploaded on **e-portal** (<https://parivesh.nic.in/>).

3. After receipt of the compliance report on fulfillment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 (1) of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Signed by Sundar
Sambamoorthi
Date: 15-03-2024 17:12:31

Yours Sincerely,

Sd/

(S. Sundar)

Assistant Inspector General of Forests

Copy to:

1. PCCF (HoFF), State Forest Department, Government of Arunachal Pradesh, Itanagar.
2. PCCF & Nodal Officer (FCA), O/o PCCF, State Forest Department, Government of Arunachal Pradesh, Itanagar
3. DDGF (Central), Regional Office of MoEF&CC at Shillong.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi
6. Guard File.

GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF ENVIRONMENT, FOREST & CLIMATE CHANGE
ITANAGAR

No. FOR.14/Cons/2020/ 2139-54

Itanagar, dated. 2nd April'2024

To

✓ The Deputy Commissioner,
 Namsai District,
 Namsai

Sub: - Proposal for regularization of encroachment and ex-post facto approval of the Central Government under Section 2(1) of the Adhiniyam,1980 in favour of the District Administration. Namsai, Government of Arunachal Pradesh for non-forestry use of 19.52 ha of forest land for establishment of Golden Pagoda at Namsai under Namsai Forest Division in Namsai District of Arunachal Pradesh (Online proposal No. FP/AR/Others/154344/2022)-Reg.

Ref: MoEF&CC (FC Div.), New Delhi letter F. No. AN C081/2022-GHY/1/67895/2024 Dated 15.03.2024.

Sir,

Please find enclosed herewith a copy of letter No. F. No. AN C081/2022-GHY/1/67895/2024 Dated 15.03.2024, vide which, Govt. of India, Ministry of Environment, Forest & Climate Change (FC Division), New Delhi has conveyed **In-Principle/Stage-I approval** for diversion of 19.52 ha of forest land for establishment of Golden Pagoda at Namsai under Namsai Forest Division in Namsai District of Arunachal Pradesh, which is self-explanatory.

You are requested to arrange to transfer the following amounts at an early date to enable this office to submit compliance report for obtaining final approval.

1.	Cost of Compensatory Afforestation over degraded forest land for an area as per condition No.2(ii)(a) i.e.19.52 x 2=39.04 or say 39.10 ha.	Rs.1,16,10,100/-
2.	Cost of Penal Compensatory Afforestation over degraded forest land for an area as per condition No.2(ii)(c) i.e.19.52 x 4=78.08 ha.	Rs.2,93,73,000/-
3.	As per condition No.2(ii)(e) 25% of the CA cost additionally towards soil and moisture conservation activities in the proposed CA area. Total cost of CA @ Rs.1,16,10,100/- + PCA @ Rs.2,93.73.000/- =Rs.4,09,83,100/- x 25%	Rs.1,02,45,775/-

4.	As per condition No.2(iii)(a) Cost of the Net Present Value (NPV) i.e. as per density-0.1, Eco-class-III (Open Forest) @ Rs.9,57,780/-per hectare for 19.52ha.	Rs.1,86,95,866/-
5.	As per condition No.2(iii)(c) Cost of the penal Net Present Value (NPV) i.e. Rs.1,86,95,866/- x 5 + 12 percent simple interest from the date of issue of this letter till the date the amount is deposited (to be calculated Separately by UA and deposited)	Rs.9,34,79,330/-
Total		Rs.16,34,04,071/-

Further, you are requested to ensure compliance of all the conditions of Stage-I/In Principle approval individually & separately and submit necessary undertakings in respect of relevant items wherever required to this office immediately along with compliance report. It may be noted that non-compliance of conditions individually is one of the most common causes of delay after remittance of amount/money towards compensatory levies.

The amounts mentioned at Sl.No.1 to 5 above totaling Rs.16,34,04,071/- (Sixteen Crore Thirty four lakhs four thousand seventy one) only alongwith 12% simple interest on Penal NPV as mentioned above from the date of raising this demand, i.e. from the date of this letter issued till the deposit is made by the user agency is to be deposited by generating challan through on-line mode on web portal (<https://parivesh.nic.in>) to the Union Bank of India, FCS Centre Bangalore, 21 Mission, 3rd floor, Jellitta tower, Bangalore-560027 (RTGS/IFSC Code No.UBIN0996335) for credit in Account No. Arunachal Pradesh 150607298. Beneficiary Name: CAF, Arunachal Pradesh CAMPA. Further, the certified copy of the receipt etc. of remittance may be sent to this office for further action.

Also, it is requested not to break the forest land and carry out any construction activity in the area till final approval of the proposal is granted under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 by the Government of India.

Enclosed: As stated above

Yours faithfully


52.10.4/2024
(S. S. Kandpal)

Addl. PCCF (Cons) & Nodal Officer (FCA)

No. FOR.14/Cons/2020

Itanagar, dated. 2nd April'2024

Copy to:

1. The Deputy Inspector General of Forest(C), Govt. of India, Ministry of Environment, Forests & Climate Change. Regional Office, Shillong, Sub-Office, Guwahati, 4th Floor, Housefed building, GS Road, Rukmini Gaon, Guwahati-781022. e-mail: iro.guwahati-mefcc@gov.in for information.
2. The Inspector General (Conservation), MoEF&CC, Govt. of India, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi-110003 for information.
3. The Chief Conservator of Forest, EAC, Tezu alongwith a copy of Ministry of Environment, Forest & Climate Change (FC Division), Govt. of India, New Delhi letter No. F. No. AN C081/2022-GHY/1/67895/2024 Dated 15.03.2024 regarding diversion of 19.52 ha of forest land for establishment of Golden Pagoda at Namsai under Namsai Forest Division in Namsai District of Arunachal Pradesh for information and strict compliance of the conditions.
4. The Divisional Forest Officer, Namsai Forest Division, Namsai alongwith a copy of Ministry of Environment, Forest & Climate Change (FC Division), Govt. of India, New Delhi letter No. F. No. AN C081/2022-GHY/1/67895/2024 Dated 15.03.2024 regarding diversion of 19.52 ha of forest land for establishment of Golden Pagoda at Namsai under Namsai Forest Division in Namsai District of Arunachal Pradesh for information and strict compliance of the conditions. Please note till final approval is granted by Government of India, no construction activities, breaking of the land etc. shall be carried out in the area. Please comply all the conditions specially condition no 2. ii.(b) of the approval regarding submitting additional proposal for CA Scheme for 78.08ha in degraded forest land together with compliance of other conditions.
5. Executive Engineer, Namsai in reference to his letter No ND/Court Case/NGT/2023-24/4099-111 dated 29/02/2024. Please note till final approval is granted by Government of India, no construction activities, breaking of the land etc. shall be carried out in the area.

(S. S. Kandpal)

Adtl. PCCF (Cons) & Nodal Officer (FCA)

GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF ENVIRONMENT, FORESTS & CLIMATE CHANGE
ITANAGAR

No.FOR.51 /Cons/2021 / 4301 - 210

Dated, Itanagar 27th July'2023

ORDER

EMPOWERED COMMITTEE TO EXAMINE AND FILE INTERLOCUTORY APPLICATIONS (IAs) WITH RESPECT TO THE PROPOSALS FOR DE-RESERVATION OF FOREST LAND IN THE STATE OF ARUNACHAL PRADESH.

Due to existing settlement/ expeditious development of public utilities' infrastructure over the past few decades, some habitations/ public infrastructure falls in the notified forest areas also at various places in the State of Arunachal Pradesh.

In order to address historical issues related to notified forest areas, including existing settlements/ development of public utilities' infrastructure the Government has been pleased to constitute an 'Empowered Committee' to holistically examine the necessary de-reservation proposals of identified areas and file self-contained Interlocutory Application (IAs) for consideration of the Hon'ble Supreme Court at the earliest possible.

The impugned decades old installations/ recognized settlements/ public development works falling within such identified area(s) may be covered and included within the ambit of the IAs which would be finalized by the Land Management Department in accordance with the applicable Statutes/Guidelines with assistance from the Law & Judicial and Environment, Forest & Climate Change Departments, Deputy Commissioners and Divisional Forest Officers concerned.

The finalized and self-contained IAs for de-reservation may be filed by the Land Management Department before the Hon'ble Supreme Court of India for grant of permission for de-reservation of the identified lands as per the due process of Law and rulings of the Hon'ble Supreme Court from time to time, covering townships/recognized settlements and planned further development, with the prior approval of the State Government.

P/1

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The Empowered Committee shall consist of:

1. Principal Chief Conservator of Forests (WL & BD)
2. Addl. Principal Chief Conservator of Forests (Conservation)
3. Secretary (Land Management), Convenor
4. Secretary (Urban Local Bodies)
5. Secretary (Urban Development)
6. Deputy Commissioner(s) concerned
7. Divisional Forest Officer(s) concerned
8. Joint Secretary, Law & Judicial Department
9. Under Secretary, Environment, Forest & Climate Change Department
10. Senior Govt. Advocate as appointed by Law Department.

The Committee shall meet every week until the finalization and filing of the IAs.

This is issued in continuation of previous Order No. FOR. 51/Cons/2021/3707-722 dated 21st September'2022.

Sd/- (Dharmendra, IAS)
Chief Secretary
Govt. of Arunachal Pradesh
Itanagar

Copy to:

1. The P.S to Principal Chief Conservator of Forests (WL & BD) for information.
2. The P.S to Addl. Principal Chief Conservator of Forests (Conservation) and Nodal Officer (FCA) for information.
3. The Secretary (Land Management), Convenor for information.
4. The Secretary (Urban Local Bodies) for information.
5. The Secretary (Urban Development) for information.
6. The Deputy Commissioner(s) concerned for information.
7. The Divisional Forest Officer(s) concerned for information.
8. The Joint Secretary, Law & Judicial Department for information.
9. The Under Secretary, Environment, Forest & Climate Change Department for information.
10. The Senior Govt. Advocate as appointed by Law Department for information.



(Dr. Sharat Chauhan, IAS)
Principal Secretary (E. F & CC)
Govt. of Arunachal Pradesh
Itanagar

DLR 80
[Signature]

OFFICE OF THE DEPUTY COMMISSIONER
GOVERNMENT OF ARUNACHAL PRADESH :: NAMSAI DISTRICT ::
NAMSAI.

No.NLM-5A/2022

Dated Namsai the 14th Sept'2023.

To,

The Secretary,
Land Management,
Govt. of Arunachal Pradesh,
Itanagar.

Sub :- DE-RESRVATION PROPOSAL OF NAMSAI DISTRICT HEADQUARTER.

Sir,

In pursuance to Govt order no FOR.51/Cons/2021/4301-310, Dated, Itanagar 27th July'2023 and letter No.TP-22/3/2023 DIR-TP dated 28th April'2023, I am submitting herewith proposal for De-Reservation along with form A Part-I (Old Format) as per the Forest Conservation Rule 2003 in respect of Namsai Township under Namsai Reserved Forest measuring 5870 Acres of land under occupation of the Administrative HQ Since 1953 for fovour of your further necessary action please.

The process for De-reservation of Namsai Reserved Forest was initiated in the year 2005 and still pending.

This is for your kind information and necessary action please.

Yours faithfully,


(C R Khampa)

Deputy Commissioner,
Namsai District, Namsai.
Dated Namsai the 14th Sept'2023.

Memo No. NLM-5A/2022

Copy for kind information to :-

1. PS to Learned Chief secretary, Arunachal Pradesh.
2. The Principal Chief Conservator of Forest (WL&BD)
3. The Addl. Principal of Conservator of Forests (Con)
4. The-Director, land Management, Itanagar.
5. The Divisional Forest Officer, Namsai.
6. Office copy.


(C R Khampa)

Deputy Commissioner,
Namsai District, Namsai.
Deputy Commissioner
Namsai District Namsai (A.P.)

**PROPOSAL FOR DERESERVATION /DIVERSION OF NAMSAI
RESERVE FOREST .**

Enacting the "Arunachal Pradesh Re-organization of District(Amendment) act of 2013" Namsai District was carved out of Lohit District as the 18th District of the state vide Govt of A.P. Notification no - DAD34/2012(Pt) dated Itanagar the 23rd July'2014 with its headquarter at Namsai town. The district is located between 95.45 to 96.20 E longitudes/ 27.30 to 27.55 N latitudes and surrounded by Tinsukia district of Assam in the West & south west, Changlang district in the south & south east, Anjaw &Lohit in the east and Lohit in the North. It has a total geographical area of 1587 sq km.

The district is comprised of 05(five) administrative circles namely- Lekang, Namsai, Piyong, Lathao and Chongkham and 03(three) CD Blocks namely- Lekang, Namsai and Chongkham. The local self-government is two tier systems with Zila Parishad at District Level, and Gram Panchayat at Village/cluster level. There are 116 Nos of Gram panchayats and 01 Zilla Parishad.

Sl No	Name of Block	Name of Circle	Year of creation	Total Area (Sq Km)	Nos of villages	No of Towns	Households	
							Urban	Rural
1.	Lekang	Lekang	1977	97	54		00	5329
2.	Namsai	Namsai	1953	485	80	01	3145	
		Lathao	2000				00	6150
		Piyong	1991				00	
3.	Chongkham	Chongkham	1956	895	44	0	00	4411
Total				1587	178	01	3145	15890

According to census 2011 the district has 95950 people, out of which 14246 (14.85%) are urban and 81704(85.15%) are rural population. The decadal growth rate is 16.44 % which is lower than the state average. Agriculture occupies a vital place in the economy of Namsai district. It provides direct and indirect employment to around 77% of the total work force of the district (2001 Census) apart from producing food for the people. The total cultivable area of this district is 54550 hectares constituting 34.37% of the total geographical area of the district.

The original inhabitant of the area was the Khamptis and the Singpos. The Khamptis who are also Tai or Shan tribes entered in this Lohit Basin in 1751 through the Patkai and settled initially in Tengapaani area. During the reign of Ahom King Gaurinath Singha (1780-95 AD), the Khamptis became more powerful and pushed their dominance from Tengapani area to Sadiya. In the year 1794 AD, finally they threw away the incumbent ruler of Sadiya and took over " SadiyaKhowaGohain- a honorary title of the ruler of Sadiya. There are many historical evidence of the freedom fighting by the Khampti & Singpos with the British raj, important being the 1839 Khampti rebellion wherein the Political Officer Col Adam White was killed by the

Khamptis. After independence, The Khampti & Singpho Tribes were included as Scheduled Tribes along with other 11(eleven) tribes of the tribal area of Assam as per THE CONSTITUTION (SCHEDULED TRIBES) ORDER, 1950 published in Govt of India Gazette (extraordinary) notification dated 6th September 1950. (Part II SI No 2(6) Page 598). In 1951, the tribal areas were together renamed as the North-East Frontier Agency (NEFA), now the state of Arunachal Pradesh.

The Modern Era Political and administrative history of Namsai i.e of Arunachal Pradesh can be traced back to the year 1914 when the Shimla Treaty for MacMohon line between Tibet and India was to be signed.

In the year 1919, for better control and Administration by the British, the North East Frontier area was divided into 03(three) sections Sadiya Frontier Tract, Lakhimpur Frontier Tract and Balipara Frontier Tract. In the year 1945 Sadiya Frontier Tract was bifurcated into Abor Hill District with Headquarters at Pasighat and Mishmi Hill District with Headquarter at Sadiya.

Aftermath of the devastating earthquake and flood in the year 1950 ,it was very difficult to rebuild the district headquarter at Sadiya hence the district headquarter was shifted to Tezu(present Lohit District of Arunachal) in the year 1952.

In the year 1951 aftermath of the great earthquake, APIL plywood factory at Murkongselek (Assam) was shifted to the place which is on the bank of river NaoDihing. This resulted in growth of the area and turned into a small town " Namsai Town" which later on became Circle HQ, Sub-divisional Hq and District HQ. In the year 1953, new Administrative Center(Base Superintendent) at Namsai was established with jurisdiction from Parasuramkhund to inner Line (Dirak) in the Mishmi Hill District.

By virtue of North East Frontier Regulation(Administration) act of 1954 ,present Arunachal Pradesh was renamed as NEFA (North East Frontier Agency) and among others ,Mishmi Hill District was renamed as "Lohit Frontier Division".

Chongkham Administrative Center was set up in the year 1956-57. Following the establishment of Namsai Chongkham C.D Block in 1957-58, community development programs intensified in this area.

The Sino-China war of 1962 had a great impact on the transformation of this frontier state. Focused developmental activities including Administrative development took place in the Lohit frontier division including Namsai Administrative Center. New schools, Hospitals, roads & bridges, Agriculture, Livestock developments, establishment of new Administrative circles were given priority.

Lohit Frontier Division was renamed as Lohit District vide provision of NEFA(Administration) Regulation Act 1965 with replacement of Political Officers as Admin Head to Deputy Commissioners. Mr B.S Dougal ,the then Political Officer was the First Deputy Commissioner of Lohit District. In the year 1969 the first Panchayati Raj Election took place in NEFA and an Agency Council was formed to Advise the Governor on affairs of NEFA. Chow Pak Gohain of present Namsai District was one of the 4 members from Lohit District.

The North Eastern Areas(re-organization)Act of 1971 separated NEFA from Assam and Union Territory of Arunachal Pradesh came into existence on 21st January 1972. The Capital of

the state was shifted from Shillong to Itanagar on 1st June 1974 which was inaugurated by Shri V.V Giri, President of India. In the year 1975, a 'Provisional Legislative assembly' was formed with 30 Elected MLAs and 03 Nominated MLAs. The First Lok Sabha Poll was conducted in the year 1977 and Mr BakinPantin was elected as MP from Arunachal east LS Constituency. The First Election to the Assembly was held on 25th Feb 1978 and Shri C.T Mein was the first MLA to be elected from 23 Namsai-Chowkham Assembly Constituency.

Government of Arunachal Pradesh had notified creation of Piyong Circle on 20th July 1991 and Lathao Circle in the year 2000 under the Namsai Administrative area. Namsai Administrative Center was upgraded to ADC Hq in the year 1999 with Namsai as the Administrative Headquarter.

Arunachal Pradesh (Re-organization of Districts)(Amendment) bill 2013 carved out Namsai, chongkham, Lekang, lathao and Piyong Circles from Lohit District to form the 18th district 'Namsai District' with its district headquarter at 'Namsai'. It was formally notified on 15th July 2014.

Before independence in the year 1929 M/S Bird established Saw and Veneer Mill at Murkongselek, Near Ruksin, Pasighat by obtaining a lease of forest land for 30 years. Due to the earthquake and flood in the year 1950, the land where the Saw Mill was located was washed away. After that M/S Bird & Co. shifted their factory to Namsai. During that time the population of Namsai was very meager and the APIL company employed a lot of people from outside for their work. The major population was the workers of APIL. Thereafter the Govt Primary school was established at Namsai in 1953 along with upgradation of the area to a CO Head Quarter.

Namsai had been given EAC Head Quarter status in 1961. The number of offices established during that time at Namsai was very less. The people were confined to their villages with their own cultivation and other works.

Now Namsai is a separate District carved out from Lohit District with an area of 1587 sq Km approx. Out of these 709.74 Sq km of area is under Reserve Forest i.e almost 45% of the area is under Reserve Forest.

S.no	Name of District	Name of RF			Date of Notification	Notified Area(Sq km)
1.	Namsai District	Namsai RF			8 th Sep 1936	23.72
2.		Manabhum RF			23 rd Feb 1937	136.05
3.		Tengaapani RF			26 th March 1964	443.92(171.4 sq miles)
4.		Khamang RF			1978	35
5.		Lohit RF			1968	47.58
6.		Noa-dihing RF			1937	11.17
7.		Piyong			1961	12.26

						709.74
					Outside RF area	878

Namsai was Notified as urban Town in the year 2006 & all centrally sponsored schemes, state funded schemes were implemented for all round development of the small town. After it became a District Headquarter the developmental activities were continued. Being strategically located in the Center of the Eastern part of the state, it was declared as the headquarter of Divisional Commissioner East in the year 1991. Among many important offices established, some of them are:

1. Divisional commissioner(East)
2. Chief Engineer PWD (EZ)
3. Chief Engineer Power(EZ)
4. Chief Engineer PHED(EZ)
5. SE(Hydropower)
6. SE(WRD)
7. SE(RWD)

Educational & health institutions Institutes:-

1. Arunachal University of Studies
2. Ven Uktara Bethany College
3. Mahabodhi Lord Buddha College
4. Govt Polytechnic College
5. ANM Nursing School
6. District Hospital (Originally it was PHC, upgrade to CHC in 2003 and in 2019 to District Hospital.

In the year 2018, Namsai District was identified as one of the 112 th Aspirational District' of the country by NITI AYOOG and focused developmental activities initiated for timebound transformation of the district so that the district may be brought up at par with most developed district of the country.

Therefore Dereservation /Diversion proposals for the Namsai Reserve Forest, a long pending issue faced by the local Indigenous people is being forwarded to the Govt .

S.No	Name of RF	Notified Area in Sq Km	Proposed area for De-reservation	Alternate area identified	Purpose	Remarks
1.	Namsai RF	23.72	23.72		Namsai Township	

1. NAMSAI RF :-

Namsai Reserve Forest was notified in the year 1936 for an area of 5870 Acres. During that period the settlers in the forest areas were the Singphos and the Khampis, the original Land owners long before pre Independence Era. The name Namsai itself is a khampis word meaning Sand and Water describing the physical topography of the area. More than 75 years after Notification, Namsai has developed from CO Hq in 1954 to District Headquarter in 2014. Population has increased from few hundreds 5102/- as per 1961 Census to 95,950 as per 2011 Census. Actual urban population is 14238. And there is hardly any forest cover left in the area.

With the growing population over period of time, the original settlers started reclaiming back their land which was notified as Reserve Forest for their sustenance and livelihood. As per official record, this process of reclaiming and encroachment started way back in 1963 -80 much before the enactment of FC Act 1980. There were proposals for submission to Government for dereservation of specific locations too prior to 1980. Proposal for dereservation of Namsai RF was initiated in the year 2005 also with no success.

The villages of Deobeel, Kaba, 2nd mile camp etc falling in the RF area have long been established as per Census and Electoral Records of 1977/1981. There are established schools, electricity, drinking water facility, appointed GB and elected PRI members etc in these villages.

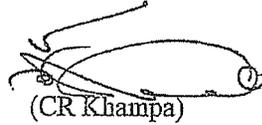
Practically there is no kind of forest cover left now in these 5870 Acres of Namsai Reserve Forest inspite of efforts put in by the Forest department and Administration since 1980 spanning a period of 40 years mainly due to growing population and urbanisation of the area being contiguous to the District headquarter. Hence settlement/locating of Namsai township and adjoining villages in entire 5870 Acres of notified area of Namsai Reserve Forest by deReservation is hereby proposed for progress and development of the original settlers of the Forest area, the ethnic Scheduled tribes of Namsai District.

Lastly it is re-iterated that this is not a new case of occupation and encroachment. Establishment existed on the land since 1953 and onwards.

Enclosures:-

Enclosures:-

1. Notification of Namsai Reserve Forest
2. Census record of 1961/71/81
3. E Roll of 1975
4. List of Schools established before 1980
5. Maps of proposed area under Namsai RF.



(CR Khampa)
Deputy Commissioner
Namsai District : Namsai

APPENDIX (Sec Rule 6)

FORM - 'A'

Form for seeking prior approval under section 2 of the proposals by the
State Governments and other authorities

PART-I

(to be filled up by user agency)

1. Project details:

(i) Short narrative of the proposal and project/scheme for which the forest land is required.

De-Reservation proposal of 23.76 sq Km(5870 Acres) of Namsai Reserve Forest:

In the year 1953, Namsai was elevated to a CO HQ under the Sadiya Frontier Tract and upgraded as EAC HQ in 1961. A number of offices had been established since then. In 1994, Namsai was given the status of SDO HQ and in 2000 it became an ADC HQ. On July 2014, Namsai has been upgraded to a District HQ after creation of a new District 'Namsai District' from Lohit District.

As the population increased, the need for more institution like schools, colleges, Govt. Offices, Govt. staff quarters, Hospital, Police Station, Power Sub Station, Fire station, Amusement parks, business establishments, private buildings etc also increased. The local people started shifting from remote areas to town for want of better living condition. Now, Namsai Township has established many Govt. Offices and private institutions along with many private Indigenous, Non indigenous settlements. For the smooth functioning, these offices, firms, Institutions need buildings and building need land for the construction. In order to facilitate the ever increasing demand for land for development of society and future generation, it has become necessary to De-Reserve the area of Namsai Forest Land as marked in the map. This will increase the development prospect of the entire Namsai region. This will also enable us to maintain a proper record of the land occupation.

(ii) Map showing the required forest land, boundary of adjoining forest on a 1:50,000 scale map.

: Enclosed

(iii) Cost of the project.: Not Applicable

(iv) Justification for locating the project in forest area :

Namsai Reserve Forest was notified in the year 1936 for an area of 5870 Acres. During that period the settlers in the forest areas were the Singphos and the Khamptis, the original Land owners long before pre Independence Era. The name Namsai itself is a khampti word meaning Sand and Water describing the physical topography of the area. More than 75 years after Notification, Namsai has developed from CO Hq in 1954 to District Headquarter in 2014. Population has increased from few hundreds 5102/- as per 1961 Census to 95,950 as per 2011 Census. Actual urban population is 14238, And there is hardly any forest cover left in the area.

AS

With the growing population over period of time, the original settlers started reclaiming back their land which was notified as Reserve Forest for their sustenance and livelihood. As per official record, this process of reclaiming and encroachment started way back in 1963 -80 much before the enactment of FC Act 1980. There were proposals for submission to Government for dereservation of specific locations too prior to 1980. Proposal for dereservation of Namsai RF was initiated in the year 2005 also with no success.

The villages of Deobeel, Kaba, 2nd mile camp etc falling in the RF area have long been established as per Census and Electoral Records of 1977/1981. There are established schools, electricity, drinking water facility, appointed GB and elected PRI members etc in these villages. Practically there is no kind of forest cover left now in these 5870 Acres of Namsai Reserve Forest inspite of efforts put in by the Forest department and Administration since 1980 spanning a period of 40 years mainly due to growing population and urbanisation of the area being contiguous to the District headquarter. Hence settlement/locating of Namsai township and adjoining villages in entire 5870 Acres of notified area of Namsai Reserve Forest by deReservation is hereby proposed for progress and development of the original settlers of the Forest area, the ethnic Scheduled tribes of Namsai District.

Lastly it is re-iterated that this is not a new case of occupation and encroachment. Establishment existed on the land since 1953 and onwards.

(v) Cost-benefit analysis (to be enclosed) :-

Cannot be assessed after 75 years of Establishment of Namsai Administration set up.

(vi) Employment likely to be generated:-

Direct and indirect source of earning to local people and others in Govt. job, business, education, hospital facility etc to the entire public of Namsai District.

2. Purpose-wise break-up of the total land required:

Total area of 5870 Acres (23.76 Sq Km) of Land under occupation of Dist Administration Headquarter and adjoining Villages of District Headquarter:

1640.510	Acres : District Headquarter
4229.49	Acres : 1. 2 nd Mile (Kunsung) Vill
	2. Kaba Vill
	3. Part of Deobeel Vill

Year of establishment and notification of village establishment is not available. The villages falling in the RF area have established schools, electricity, drinking water facility, appointed GB and elected the PRI members etc and the villages are included in the population census since the year 1981 which proves settlement of people much before 1980. Govt Primary School at Deobeel was established in the year 1977.

3. Details of displacement of people due to the project, if any:

(i) Number of families : None

(ii) Number of Scheduled Castes/Scheduled Tribe families : None

(iii) Rehabilitation plan (to be enclosed) : NA

4. Whether clearance under Environment (Protection) Act, 1986 required? (Yes/No) Yes

5. Undertaking to bear the cost of raising and maintenance of compensatory afforestation and/or penal compensatory afforestation as well as cost for protection and regeneration of Safety Zone, etc. as per the scheme prepared by the State Government (undertaking to be enclosed). :

Namsai Reserve Forest was notified in the year 1936 dated 18th September. Out of this area 117 Hects had been leased to Assam sawmill for Establishment of Industry during the year 1946. Namsai Administrative Headquarter was established during the year 1953 in the said area. Since non Forestry activities was allowed by the Govt then, the NPV and CA may be therefore waived.

6. Details of Certificates/documents enclosed as required under the instructions:

1. Map Enclosed.
2. Notification of Namsai RF
3. Census record of 1961
4. E Roll of 1975
5. List of Schools established before 1980.



(CR Khampa)
Deputy Commissioner
Namsai District : Namsai
Arunachal Pradesh
(User Agency)

Date: - _____

Place: - _____

State serial No. of proposal _____

(To be filled up by the Nodal Officer with date of receipt)

The 8th September 1936

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No. 3119-R : In exercise of the powers conferred by section 17 of the Assam Forest Regulation, 1891 (VII of 1891), the Governor in

Council is pleased to declare that the land described in the schedule hereto annexed to be reserved forest with effect from the 15th October 1936.

SCHEDULE

District	Mouza	Name of forest	Approximate area in acres	Description of boundaries
Sadiya Frontier Tract	--	Namrai Reserve	5,870	<p><u>North & East</u> :- From the confluence of the Noa-Dihing river and the Kumbhai Hka (Jengthu) river, up the left bank of the latter to a point about 4 miles above (upstream of) its junction with the Sanglai river.</p> <p><u>South and West</u> :- From this point a demarcated straight line due west to the Ningru-Nthem path. Thence a demarcated straight line in a North-westerly direction to the confluence of the Horu Jengthu and the Namphai Hka. Down the right bank of the latter to the Noa-Dihing river, thence down the right (right) bank of the latter to the starting point.</p>

- 1) The following rights of way to the public are allowed :-
 - a) A right-of-way through the reserve from Ningru to ~~Wakong~~ Nden and Nthem.
 - b) A right-of-way through the reserve from Ballangon to Maithong.
 - c) A right-of-way through the reserve from Maithong to Ningru.
- 2) The inhabitants of the following villages are allowed as a concession revocable at will of Govt. to cut and remove 'tikoo' palms and cane free of permit and royalty for roofing their own houses, but not for sale, barter or gift :-
 - i) Ningru Singpho (ii)
 - Wampong Hkamti (iii) Nden Hkamti (iv) Nthem Singpho, (v) Ballangon Hkamti (vi) Maithong Hkamti and (vii) Namrai Hkamti.

sd/-

H. G. DEMMEYX

Offg. Chief Secretary to the Government of Assam.

15/01/2023

/590-91.

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GOVERNMENT OF ARUNACHAL PRADESH
OFFICE OF THE ASSISTANT DIRECTOR OF ECONOMICS & STATISTICS
LOHT DISTRICT:: TEZU

To.

The SDO,
 Namsai District. Namsai.

Sub:- Furnishing of data/ documents of Namsai District prior to 1980 reg.

Ref:- Your letter No. LD- 1290/2022-23/ 15527-35 Dt. 17-01-2023

Madam.

While referring to above cited subject, please find herewith the enclosed photocopies of Census Villages of Namsai District for the period from 1961 to 1991 as per Census record available with undersigned as office published by the Registrar General of India, this is for favour of your kind information please.

Encl:- As state above.

Yours faithfully,

Signed by Haringa Pulu

Date: 18-01-2023 15:45:39

(Haringa Pulu)

Assistant Director
 Of Economics & Statistics,
 Lohit District, Tezu.

Copy to :-

1. The PA to DC Lohit District, Tezu for information please.
2. Office copy.

(Haringa Pulu)

Assistant Director
 Of Economics & Statistics,
 Lohit District, Tezu.



CENSUS OF INDIA 1961

VOLUME XXIV

NORTH-EAST FRONTIER AGENCY

PART IIA

GENERAL POPULATION TABLES

AND

NEFA SPECIAL TABLES

L. B. THANGA

SECRETARY PLANNING AND DEVELOPMENT, NEFA
AND

EX OFFICIO SUPERINTENDENT OF CENSUS OPERATIONS
NORTH-EAST FRONTIER AGENCY

VILLAGE

(As Censused on Simplified Census of NEFA)

Name of the Village	Name of the Tribe/Language	Total No. of Households	Total Population			0—4 years		
			Persons	Males	Females	Males	Females	
1	2	3	4	5	6	7	8	
(S)—Tezu Sub-Division								
7/1—Namsai, D, S(M), C, P								
Plain Tribal								
1	Dhonekhona	Miri (Miri)	7	51	30	21	11	6
2	Mongkon	Khampti (Khampti)	10	56	26	30	3	6
3	Rongali Beej	Assamese (Assamese)	12	78	38	40	9	9
4	Krishnapur	do	15	97	52	45	11	7
5	Lekang-Khamti	Kampti (Kampti)	6	36	14	22	3	4
6	Lekang-Gohain	Assamese (Assamese)	6	42	21	21	4	4
a	do	Plain tribal (Assamese)	2	5	3	2	..	..
b	do	Bihari (Hindi)	1	2	2	..	..	..
c	do	Hill Miri (Miri)	2	11	6	5	2	1
7	Ekorani	Plain tribal/Assamese (Assamese)	14	117	57	60	11	14
8	Dharampur, S(L)	do	11	45	27	18	4	4
a	do	do	10	57	27	30	3	2
b	do	Assamese (Assamese)	2	10	5	5	1	1
c	do	Khampti (Khampti)	3	21	10	11	2	1
d	do	Miju or Kaman, Mishmi (Miju or Kaman)	1	2	1	1	..	..
9	Mohaijoni	Plain tribal/Assamese	9	79	42	37	10	8
10	Raja Beel	Assamese (Assamese)	10	76	40	36	10	12
a	do	Plain tribal/Assamese (Assamese)	1	6	3	3	..	1
11	Padumani	do	14	87	40	47	12	14
a	do	Assamese (Assamese)	1	4	2	2	..	..
12	Chitapani	Miri (Miris)	22	127	67	60	13	16
13	Chitapani moran	Assamese (Assamese)	19	122	60	62	19	19
a	do	Plain tribal Assamese	4	17	12	5	4	2
14	Eraloni	Assamese (Assamese)	23	172	81	91	20	23
15	Kaopatone	do	23	168	82	86	20	23
a	do	Plain tribal (Assamese)	1	2	1	1	..	..
16	Dumsi	Plain tribal (Assamese)	28	155	88	67	21	22
a	do	Singphos (Singpho)	2	9	4	5	2	1
17	Dirak	Miris (Miri)	43	217	99	118	27	28
18	Mohadevepuri I	Plain tribal/Assamese (Assamese)	23	374	191	183	44	52
19	do II	do	19	223	110	113	28	27
20	do III S (L)	do	14	145	79	66	17	13
21	Namsai, D, S (L) C, P	Khampti (Khampti)	1	2	1	1	..	..
22	Joypur	Hill Miri (Miri)	11	67	36	31	9	6
23	Chamoguri	do	4	20	8	12	1	4
24	Maihong	do	4	40	19	21	5	6
25	Jengthu	Hill Miri (Miri)	18	105	52	53	17	15
26	Sengsap	Khamptis (Khampti)	15	72	35	37	8	7
27	Patnar Gaon	do	22	94	47	47	6	8
a	do	Kacharis (Assamese)	6	33	18	15	2	2

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VILLAGE

(As Censused on Simplified Census of NEFA)

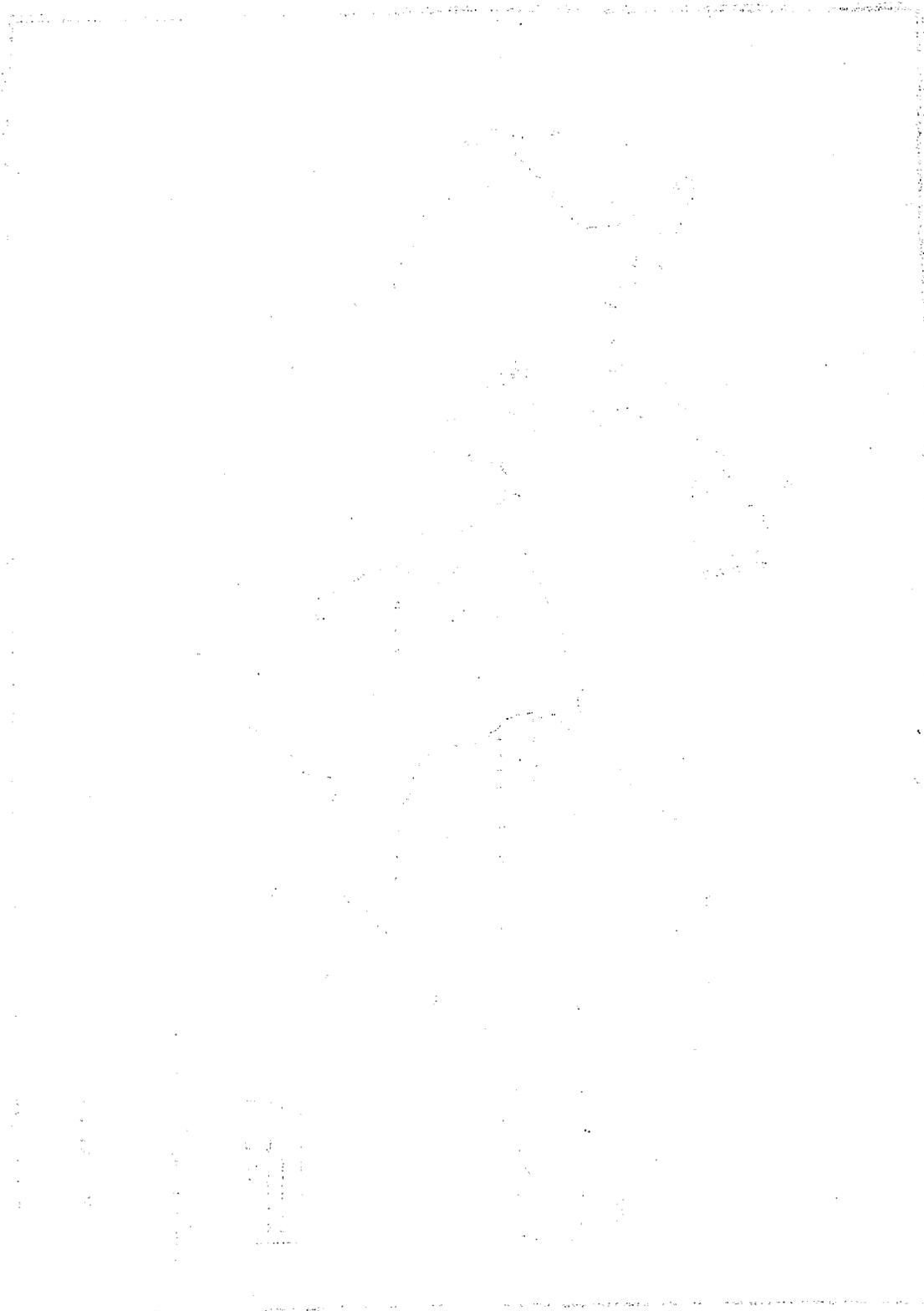
Name of the Village 1	Name of the Tribe/Language 2	Total No. of Households 3	Total Population			0-4 years		
			Persons 4	Males 5	Females 6	Males 7	Females 8	
7/I--Namsai, D, S(M), C, P--Concl'd. Plain Tribal								
28	Nanam	Khampiti (Khampiti)	22	94	46	46	8	8
29	Solungto	do	16	102	51	51	15	11
"	do	Hill Miri (Padam, Miri)	1	6	3	3	..	1
30	Malangkhang	Hill Miris (Miri)	15	84	49	44	14	13
31	Mannou, S(L)	Khampiti (Khampiti)	27	157	81	76	11	14
32	Nanam Shyam	Kacharis (Assamese)	21	155	80	75	26	20
33	Lathao, S(L)	Khampiti (Khampiti)	26	163	87	76	18	13
"	do	Nepali (Nepali Mogor)	3	9	7	2	1	..
34	Jenglai	Khampiti (Khampiti)	8	54	28	26	5	6
"	do	Singpho (Singpho)	1	3	1	2	..	..
35	Manpange	Khampiti (Khampiti)	7	41	19	22	6	5
36	Nampong	do	23	133	68	65	16	14
"	do	Urang (Urang)	3	16	6	10	..	4
37	Phaniangri	Khampiti (Khampiti)	1	9	5	4	1	..
38	Mohang	do	14	92	46	46	6	15
"	do	Mura (Mura)	3	16	8	8	1	..
"	do	Hill Miris (Miri)	3	20	11	9	1	3
39	Silatoo	Khampiti (Khampiti)	2	14	7	7	1	2
40	Ningru/Khampiti & Singpho	Singpho (Singpho)	20	93	43	50	5	9
"	do, S(L)	Khampiti (Khampiti)	21	121	71	50	10	11
"	do	Mura (Munda)	3	14	6	8	1	2
"	do	Nocte (Nocte)	1	3	2	1	..	..
41	Khaoji	Kachari (Assamese)	12	84	46	38	7	8
42	Kumari S(L)	Khampiti (Khampiti)	2	8	3	5	..	1
"	do	Singpho (Singpho)	2	12	7	5	1	..
"	do	Urang (Urang)	23	124	70	54	17	14
"	do	Kachari (Assamese)	16	102	64	38	13	8
"	do	Muras (Munda)	2	12	7	5	2	2
43	Nongkhong	Hill Miri (Miri)	21	153	84	69	29	21
"	do	Assamese (Assamese)	1	1	1	..	..	..
44	Enthem	Singphos (Singphos)	3	12	6	6	..	1
"	do	Khampiti (Khampiti)	2	11	4	7	2	1
45	Kaichu	Khamiyong/Assamese (Assamese)	12	83	45	38	14	8
46	Endoen, S(L)	Khampiti (Khampiti)	12	55	27	28	4	2
7/I--Namsai Total			788	5,102	2,618	2,484	594	585
7/II--Tazu D, S(H), A, F, V, C, PT, CC								
1	Tubangum	Mishmi/Taraon Digaru	9	43	24	24	4	6
2	Palaliang	do (Taraon or Digaru)	5	19	7	12	3	3
3	Chikagam	do	6	29	15	14	4	2
4	Manefrong	do	13	84	41	43	11	12
5	Titoliang	do	10	70	30	40	4	4
6	Chiprolian	do	3	21	10	11	4	1
7	Tusegam	do	20	121	62	59	14	5
8	Harangam II	do	17	85	43	42	8	10
9	Tekigam	do	5	33	14	19	5	7
10	Kafragram	do	5	33	19	14	4	3

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VILLAGE

(As Censused on Simplified Census of NEFA)

Name of the Village 1	Name of the Tribe/Language 2	Total No. of Households 3	Total Population			0-4 years	
			Persons 4	Males 5	Females 6	Males 7	Females 8
7/VII--Walong							
1 Walong, D, S(L)	Tibetans (Tibetan)	6	48	24	24	7	10
2 Tisai	do	3	29	15	14	5	2
3 Dong	do	3	24	14	10	3	2
4 Chatlao (Miju or Kaman)	Mishmi, Miju or Kaman	1	8	3	5	..	2
5 Wati	do	2	29	13	16	1	5
6 Salthi	do	4	44	22	22	6	5
7 Kalen	do	8	19	9	10	2	3
8 Kroi	do	3	28	11	17	4	5
9 Hala	do	2	56	26	30	4	7
10 Gai Taraon (Digaru) (Taraon or Digaru)	do	1	12	4	8	1	2
11 Khrahti	do	1	10	6	4	4	1
12 Gong	do	2	17	6	11	..	5
13 Bhow	do	8	50	27	23	13	6
14 Kumi	do	1	9	5	4	1	1
15 Mainjong	do	2	17	9	8	4	3
	7/VII--Walong Total	47	400	194	206	55	59
7/VIII--Kibithoo, D.							
1 Meshai	Tibetan (Tibetan)	3	22	13	9	2	4
2 Kahao	do	4	28	17	11	7	4
3 Sochung	Mishmi, Miju or Kaman (Miju or Kaman)	5	30	14	16	6	6
4 Kundun	Taraon or Digaru (Taraon or Digaru)	6	63	32	31	11	10
5 Champharang	Tibetan (Tibetan)	5	14	4	10	1	3
6 Yakung	Mishmi, Miju or Kaman (Miju or Kaman)	4	39	18	21	8	10
	7/VIII--Kibithoo Total	27	196	98	98	35	37
7/IX--Chowkham V, S(M), F, C							
1 Kharem I S(C)	Khampiti (Khampiti)	15	104	55	49	9	7
2 M'Pong	do	17	82	45	37	10	10
3 Mankao-Khamti	do	11	54	25	29	5	6
4 Tisugam Mankao II	Mishmi/Kam or Miju (Kaman or Miju)	7	26	13	13	1	5
5 Heikaing (glat)	do	6	27	13	14	..	2
6 Punding	Khampiti (Khampiti)	2	11	3	8	..	3
7 Emphum	Singphos (Singpho)	11	55	31	24	6	4
8 Muinglang	Khampiti (Khampiti)	1	5	3	2	1	1
do	Singphos (Singpho)	6	27	13	14	2	2
9 Tingwa	do	6	28	9	19	4	6
10 Embong	do	5	25	13	12	4	3
11 Lathao	do	7	28	15	13	3	4
12 Esha	do	8	29	15	14	..	..
13 Enju	do	4	22	14	8
14 Tuling	do	1	4	2	2
15 Khareng II	do	11	66	37	29	5	8
	Khampitis (Khampiti)						



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(As Censused on Simplified Census)

Name of the Village	Name of the Tribe/Language	Total No. of Households	Total Population			
			Persons	Males	Females	
1	2	3	4	5	6	
7/IX--Chowkham, V. S(M), F,C--conold.						
16	Chowkham, D,S(N),F,C.					
a	Chowkham	Khamptis (Khampti)	35	567	290	277
b	do	Miris (Miri)	1	2	1	1
c	do	Singphos (Singpho)	1	2	1	1
d	do	Assamese (Assamese)	1	4	2	2
e	do	Oriya (Oriya)	1	2	1	1
f	do	Assamese, Mohamadan (Assamese)	2	7	3	4
g	do	Rajput (Hindi)	1	1	1	..
h	do	Hindusthani (Hindi)	1	1	1	..
i	do	Rajasthan	5	5	5	..
17	Namiliang	Bihari (Bihari)	4	7	7	..
a	do	Pasi (Pasi)	2	6	3	3
b	do	Gailong (Adi/Gailong)	2	3	2	1
c	do	Padam (Padam)	1	9	6	3
18	Borpathar	Nepalee (Nepalee)	1	2	1	1
19	Phasong	Khamptis (Khampti)	4	21	11	10
20	Hobira, I, II, III	do	4	23	13	15
21	Momong S(L)	Miris (Miri)	32	174	93	81
a	do	Khamptis (Khampti)	44	240	127	113
22	Alubari	Mishmi, Mijui or Kaman (Mijui or Kaman)	1	3	2	1
23	Napatia	Nepalee (Nepalee)	14	48	27	21
		Assamese (Assamese)	30	161	75	86
		7/IX--Chowkham Total	355	1,886	978	908
	(B) Tezu Sub-Division--Grand Total		3,115	19,998	9,784	10,214

V TIRAP FRONTIER DIVISIONS

8/II--Niausha D.V,S(L),F,C,P

1	Maihua	Wancho (Wancho)	31	195	103	92
2	Longkhao	do	115	783	405	378
3	Longkai	do	84	388	188	200
4	Kaimai	do	69	385	196	189
5	Khokla	do	54	316	161	155
6	Nisa	do	57	332	154	178
7	Ngimu	do	250	1,394	707	687
8	Pumao S(L)	do	118	881	452	429
9	Chating	do	68	550	300	250
10	Niausa, V,S(L),F,C,P	do	99	767	396	371
11	Niaunu	do	189	1,116	578	538
12	Zedua	do	50	299	152	147
13	Longphong	do	83	644	335	309
14	Mintong	do	129	368	436	432
15	Sema D	do	168	986	484	502
16	Nokphar, S(L)	do	56	360	163	197
17	Chopsa	do	28	198	97	101
18	Chopnu, S(L)	do	78	456	214	242
19	Rusa, S(L)	do	128	657	350	307
20	Longhua	do	67	412	198	214
21	Chanu	do	118	751	398	353

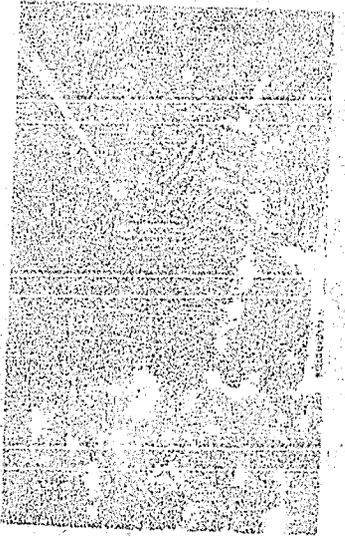


CENSUS OF INDIA 1971

ARUNACHAL
PRADESH

ARUNACHAL PRADESH

GENERAL POPULATION TABLES





CENSUS OF INDIA 1971

SERIES NO. 24

ARUNACHAL PRADESH

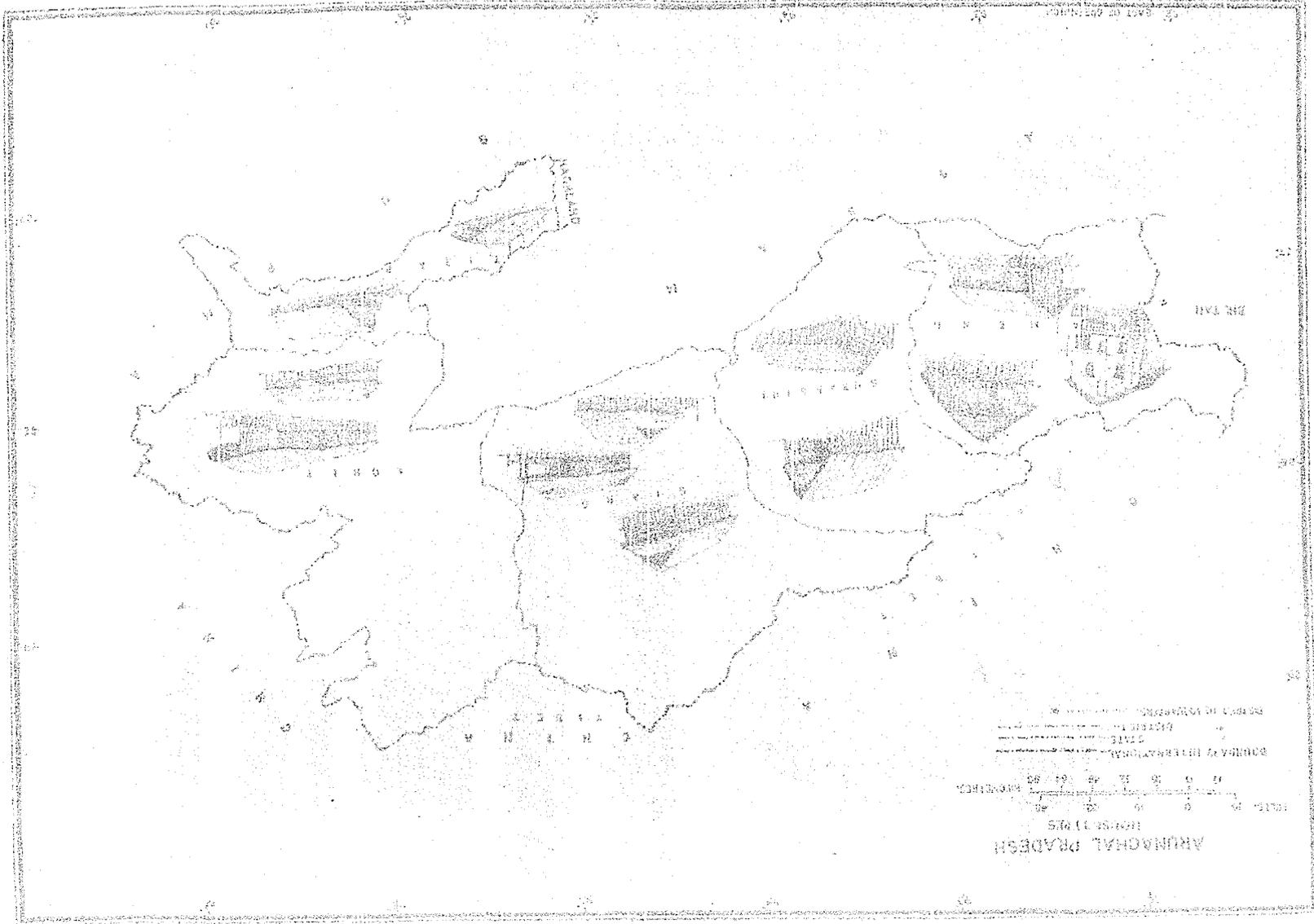
PART II A

GENERAL POPULATION TABLES

J. K. BARTHANLE

Principal Officer, Administrative Services,
Department of Census Operations, Arunachal Pradesh,
May, 1971.

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1971 Census

Appendix 'A' (contd.)

ADMINISTRATIVE JURISDICTION OF NEFA
Names of circles and villages

District	Subdivision	Circle	Name of the villages under the circle	
1	2	3	4	
D. Lohit District	Tezu Subdivision	1. Tezu	1. Tubangam 2. Palaliang 3. Chikagam 4. Manepiang 5. Titoliang 6. Chipoliang 7. Tusogam 8. Harangam II 9. Tokigam 10. Kapragam 11. Bodaru ✓ 12. Chipoliangh Chipangam 13. Majishi 14. Chitangam ✓ 15. Tezuogam 16. Mailagam 17. Tabliang 18. Manyam 19. Labobgam 20. Sambiong 21. Chidalong 22. Salangum 23. Nomla 24. Dumla 25. Tasaliang II	26. Takagam 27. Dingbon 28. Loliang 29. Timai 30. Bodaliang 31. Damko 32. Tasaliang I 33. Hayoliangbom 34. Harenagam I 35. Zogam 36. Daraliang 37. Zoikhun 38. Khoraliang 39. Dorphy 40. Tezuliang 41. Digaru 42. Telmiang 43. Yehang 44. Jeko 45. 17th Mile 46. Balijan 47. Sunpura 48. Paya 49. Tezu
		2. Namsai	1. Dhinekhona 2. Mongkeng 3. Rongali Deel 4. Krishnapur 5. Lekang-Khamti 6. Lekang-Gohain 7. Ekorani 8. Dharampur 9. Mahaloni 10. Raja Beel 11. Palumani 12. Chitapani 13. Chitapani-Moran 14. Eraloni 15. Kaopatani 16. Dumsi 17. Dirak 18. Mohadevpur I 19. Mohadevpur II 20. Mohadevpur III 21. Namsai 22. Joypur 23. Chamaguri 24. Malthong	25. Jengthu 26. Se'gsap 27. Parhar Gaon 28. Nanam 29. Solungtoo 30. Malangkung 31. Mammou 32. Nanam Shyam 33. Lathao 34. Jenglai 35. Manpangne 36. Nampong 37. Phansi 38. Mohang 39. Slatoo 40. Ninggru/Khamti & Singpho. 41. Khaoji 42. Kumari 43. Nongkhong 44. Entiem 45. Kaichu 46. Eendeen
		3. Chowkham	1. Kharem I 2. M'pong	3. Mankao-Khamti 4. Tisugam Mankao

(contd.)

List of School under Namsai District before 1980

Sl No	School Name	Block	School Category	Estb Year
1	GOVT. MID. SCHOOL BHOGAMUR	NAMSAI	2 - Primary with Upper Primary	1978
2	GOVT. MIDDLE SCHOOL JONA III	NAMSAI	2 - Primary with Upper Primary	1975
3	GOVT. MIDDLE SCHOOL KAISU	NAMSAI	2 - Primary with Upper Primary	1977
4	GOVT. PRIMARY SCHOOL ENTENPATHER	NAMSAI	1 - Primary	1967
5	GOVT. MIDDLE SCHOOL PANGEN	NAMSAI	2 - Primary with Upper Primary	1972
6	GOVT. PRY. SCHOOL, ENTHEM KINGKO	NAMSAI	1 - Primary	1975
7	GOVT. MIDDLE SCHOOL NAMPONG	NAMSAI	2 - Primary with Upper Primary	1976
8	GOVT. MID. SCHOOL JENGLAI	NAMSAI	2 - Primary with Upper Primary	1969
9	GOVT. SEC. SCHOOL, NINGROO	NAMSAI	6 - Pr. Up Pr. and Secondary Only	1934
10	GOVT. MID. SCHOOL, WINGSENG NANGTAW	NAMSAI	2 - Primary with Upper Primary	1979
11	GOVT. SECONDARY SCHOOL, JAIPUR	NAMSAI	6 - Pr. Up Pr. and Secondary Only	1961
12	GOVT. PRIMARY SCHOOL NONGTAW SHYAM	NAMSAI	1 - Primary	1978
13	GOVT. MIDDLE SCHOOL SENGSAIP	NAMSAI	2 - Primary with Upper Primary	1967
14	GOVT. PRIMARY SCHOOL NANAM SHYAM	NAMSAI	1 - Primary	1964
15	GOVT. MIDDLE SCHOOL JONAPATHAR	NAMSAI	2 - Primary with Upper Primary	1978
16	GOVT. MIDDLE SCHOOL WEINGKO	NAMSAI	2 - Primary with Upper Primary	1967
17	GOVT. SEC. SCHOOL MANHOFAI	NAMSAI	6 - Pr. Up Pr. and Secondary Only	1979
18	GOVT. MIDDLE SCHOOL N. KHAMPTI	NAMSAI	2 - Primary with Upper Primary	1973
19	GOVT. MID. SCHOOL, DEOBIL	NAMSAI	2 - Primary with Upper Primary	1977
20	GOVT. MIDDLE SCHOOL JONA IV	NAMSAI	2 - Primary with Upper Primary	1975
21	GOVT. HR. SEC. SCHOOL LATHAO	NAMSAI	3 - Pr. with Up. Pr. sec. and H. Sec.	1958
22	GOVT. SECONDARY SCHOOL, NAMSAI	NAMSAI	6 - Pr. Up Pr. and Secondary Only	1980
23	GOVT MID SCHOOL NO I NAMSAI	NAMSAI	2 - Primary with Upper Primary	1957
24	GOVT. HR. SEC. SCHOOL NAMSAI	NAMSAI	5 - Up. Pr. Secondary and Higher S	1953
25	GOVT. SEC. SCHOOL, MANMAW	NAMSAI	6 - Pr. Up Pr. and Secondary Only	1959
26	GOVT. MIDDLE SCHOOL, OLD NINGROO	NAMSAI	2 - Primary with Upper Primary	1978
27	GOVT. MID. SCHOOL, KHOWJI	LEKANG	2 - Primary with Upper Primary	1971

Final Page

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CONSTITUENCY : - 23. MALAISIA-CHINESE ASSEMBLY CONSTITUENCY.
 DISTRICT : - LOHIT

EXTENT OF AREA : - MALISAI, CHINESE AND LERANG CIRCLES IN
 MALISAI SUB-DIVISION IN LOHIT DISTRICT
 AND MALISAI CIRCLE IN MALISAI SUB-DIVISION
 OF PULHAP DISTRICT.

Part No.	Name of village	Number of voters	Reference to page no.
		upto date	
1.	Borumbua town		
2.	Borumbua	104	1 to 2
3.	Kohong Christian	202	3 to 5
4.	Kohong Kura	28	6
5.	Joju	137	7 to 8
6.	Gigging	113	9 to 10
7.	Galenja	117	11 to 12
8.	Jarok Patnar	101	13 to 14
9.	Laiung	91	15 to 16
10.	Padumani	125	17 to 19
11.	Wathstna	36	20
12.	Maganton	93	21 to 23
13.	Sakpu.	89	24
14.	Jorkhot	41	25
15.	Jagon Postnai	70	26
16.	Kherem Jami	34	27
17.	Longkaom Postnai	24	28
18.	Raja Nagar	57	29 (29)
19.	Kherem Bisc	33	30
20.	Kherem Kacaari	98	31 to 33
21.	Kusumpathar	88	34 to 35
22.	Kherem Kura	38	36
23.	Kherem Christian	25	37
24.	Jagon-II	30	38
25.	Jagon-I	64	39
26.	Jagon-III	26	40
27.	Chaimu	52	41
28.	Padumoni	55	42
29.	Krisnapur	86	43
30.	Mohaloni	45	44
31.	Ekarani	136	45 to 46
32.	Lekang Gonnin Gaon	23	47
33.	Jirak Liri	61	48
34.	Rongalibeel	79	49
35.	Dharapur	91	50 to 51
36.	Mohadevpur-II	73	52
37.	Sitpani Moran	255	53 to 56
38.	Katnalguri	208	57 to 59
39.	Mohadevpur-I	53	60 to 61
40.	Eraloni	460	62 to 67
41.	Sitpani Liri	194	68 to 70
42.	Dumsi	186	71 to 73
43.	Nowpatani	113	74 to 76
44.	Sengapathar	243	77 to 79
45.	Mahadevpur-III	155	80 to 81
46.	Mahadevpur-I	154	82 to 83
		183	84 to 86

CCND...2...

Part No.	Name of Village	Number of voters	Serial No.
1	2	3	4
47.		137	87
48.		71	89 to 90
49.		141	91 to 92
50.		213	93 to 94
51.	Kachari Khamti	274	96 to 97
52.	Old Kohong	209	99 to 100
53.	Kohong Old	155	102 to 103
54.	New Kohong	258	104 to 105
55.	Kohong Jeori	198	107 to 108
56.	New Silatu Kachari	28	110
57.	New Silatu	111	111 to 112
58.	Kakoni	21	113
59.	Philsbari	6	114
60.	Silatu Khamti	65	118
61.	Hongkhon	200	116 to 118
62.	Silatu Miri	255	119 to 121
63.	Hongkhong Tin Ali	65	122
64.	Hongkhon Sitgharia	88	123
65.	Hamsai-I	599	124 to 131
66.	Jeobil	158	132 to 134
67.	2 mile N.S. Camp	30	135
68.	6th mile N.S. Camp	18	136
69.	Hamsai-II	844	137 to 145
70.	Jonapathar-I	111	146 to 147
71.	Jonapathar-II	34	148
72.	Jonapathar-III	94	149
73.	Jonapathar-IV	84	151
74.	Lathao	189	152
75.	Jona Kili	28	155
76.	Solungtoo	110	156
77.	Melengkong	76	158
78.	Anahitana	43	159
79.	Tongapani	4	160
80.	Joypur	53	161 to 162
81.	Samoguri	30	163
82.	New Joypur	53	164
83.	Dhonekhona	28	165
84.	New Jengthu	38	166
85.	Bhogamur	52	167
86.	Kengkhong Miri	73	168
87.	Peyong	213	169 to 171
88.	Janglai	73	172
89.	Phaneng	19	173
90.	Mokkrung	16	174
91.	Jagon Pathar	27	175 to 176
92.	Hingru Koi	26	177
93.	Chariali Hingru	44	178
94.	Hampong	112	179 to 180
95.	Kodoi (of Jordausa Circle)	15	181
96.	Manmow	123	182 to 184
97.	Kaichu	48	185
98.	Lanhophai	48	186
99.	Pathargon	147	187 to 188
100.	Enten	40	189
101.	Enthem	27	190
102.	Kungyao	31	191
103.	Hanam Shyam	93	192 to 193
104.	Manphaiseng	21	194
105.	Hanam Khamti	73	195
106.	Sengsap	129	196 to 197

PAGE - 3

	1	2	3	4
107.	56	
108.	52	198
109.	63	199
110.	15	200
111.	38	201.
112.	55	202
113.	41	203
114.	213	204
115.	51	205 to 207
116.	103	205 to 209
117.	192	210 to 211
118.	536	212 to 215
119.	30	216 to 227
120.	3	228
121.	119	229
122.	215	230 to 232
123.	99	233 to 237
124.	20	238 to 240
125.	75	241
126.	52	242 to 243
127.	76	244 to 245
28.	54	246 to 247
29.	60	248 to 249
30.	58	250 to 251
31.	5	252
32.	15	253
33.	14	254
34.	18	255
35.	13	256
36.	14	257
37.	13	258
38.	9	259
				260.

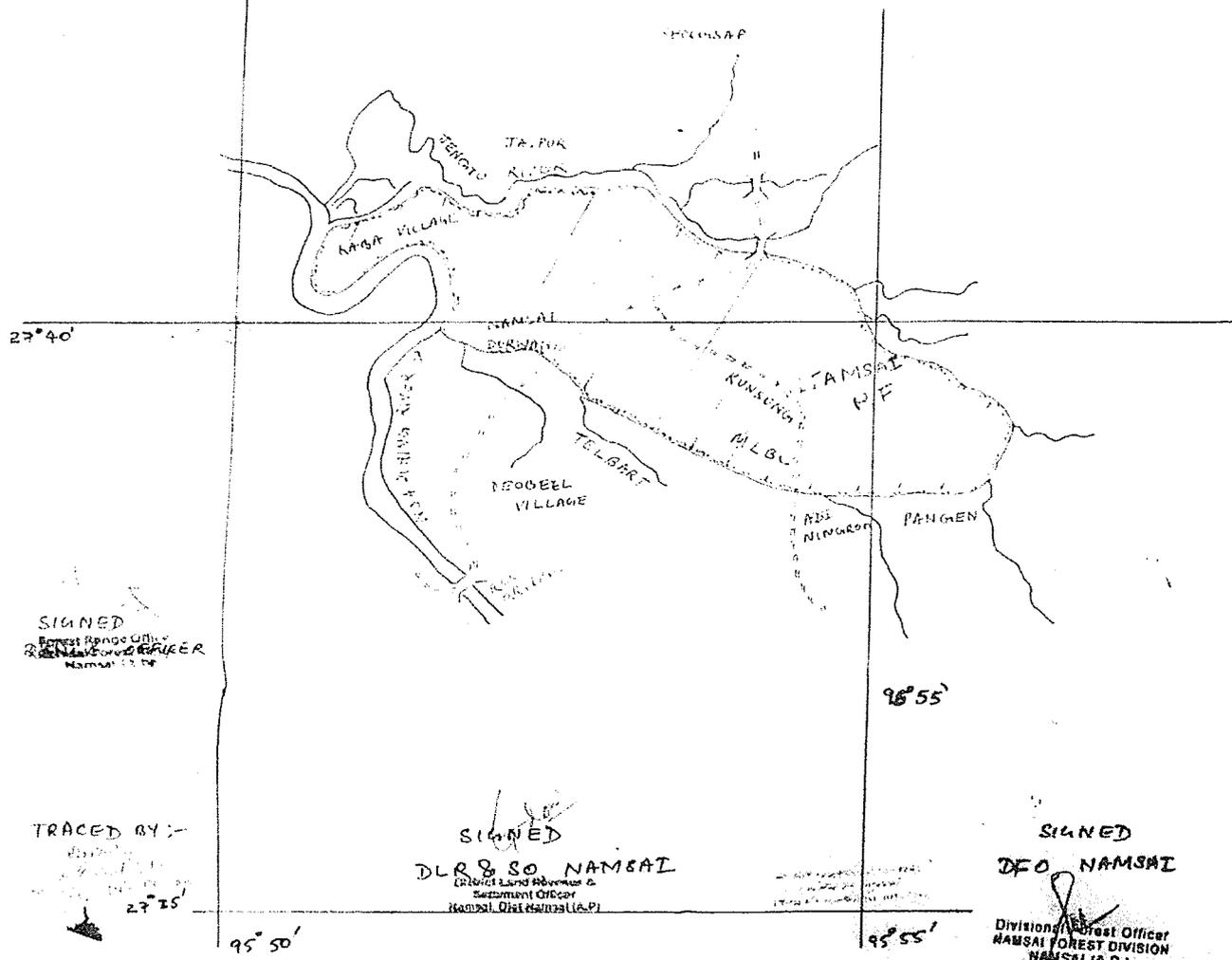
TOTAL VOTERS:- 13,880

Alchamy
 ... (UNY)
 ... Office
 ... Assembly
 Constituency.

MAP SHOWING NAMSAI RF AREA NAMSAI DISTRICT

SCALE 1: 50,000

GEO-COORDINATES	
NAMSAI RF	① N. 27° 40' 31.1" E. 95° 50' 37.8"
	② N. 27° 34' 30.2" E. 95° 54' 2.8"
	③ N. 27° 38' 33.8" E. 95° 55' 44.1"
	④ N. 27° 39' 18.0" E. 95° 52' 32.9"
	⑤ N. 27° 40' 26.8" E. 95° 53' 51.5"



INDEX

RF. BOUNDARY	-----
ROAD	-----
PROPOSED FOR DEPRESERVATION	▨
NAME OF VILLAGES	1- Kaba village 2- Kungshy village 3- Debeuf village Telaw (Past)

Map Area - 23.16 Sq km
Area to be Depreserved - 23.76 Sq km

SIGNED
Forest Range Officer
NAMSAI

TRACED BY:-
27° 25'

SIGNED
DLR SO NAMSAI
District Land Revenue &
Subdivision Officer
Namsai Dist Namsai (A.P.)

SIGNED
DFO NAMSAI
Divisional Forest Officer
NAMSAI FOREST DIVISION
NAMSAI (A.P.)

C/SIGNED
DC, NAMSAI
Deputy Commissioner
Namsai Dist Namsai (A.P.)

ANNEXURE R-6 (copy)

IN THE COURT OF DISTRICT JUDGE
EAST SESSIONS DIVISION, TEZU,
ARUNACHAL PRADESH.



1. Title Suit No. NMS (2)/2015
2. Civil Misc case No. 14(NMS)/2015
3. Civil Misc. Case No. 15(NMS)/2015
4. Civil Misc. Case No. 07 (NMS)/2015

1. Chow Pha Pingthika Namchoom
2. Chow Newata Mannaw

-Vs-

1. Chow C.K. Namchoom
2. Chow C.I. Mannaw

Presiding Officer.

NANI GRAYU
District Judge,
East Sessions Judge, Tezu.

Present:

For the plaintiff: Mr. I. Ahmed, Advocate.

For the defendant: Mr. C. T. Manpoong

Date of Judgement & Order: 27.03.2015.

ORDER

1. This Title Suit alongwith 3(three) Misc. Case were taken up together for common order, as Misc. Cases were filed in the title suit.

2. The title suit is filed by two plaintiffs namely Chow Pha Pingthika Namchoom and Chow Newata Mannaw, representing the 150 family of Lathao village of Namsai, with a prayer for declaration of title of their community land in question. With the leave of this

27/3/15
District Judge
East Sessions Division
Tezu (A.P.)

True Copy



court a notice under Order-1, Rule-8 of CPC was published in a newspaper, inviting any objection ~~THROUGH~~ 180 families of Lathao village, against the filing of title suit in this Court on their behalf by the plaintiffs.

3. Meantime, aforesaid two misc. Case, being Misc. Case No.14/2015 and misc. Case no.15/2015 has been filed before this court.

4. Misc. Case NO.15/2015 is filed by Chow Newata Mannaw, who is a plaintiff No-2 of the title suit, with a prayer that, he may be allowed to withdraw his name as plaintiff from the title suit. Mr. I. Ahmed, Ld. Counsel for plaintiff No-1 submits that, the plaintiff No-2 cannot be allowed to withdraw his name from the Title Suit, without consent of plaintiff No-1.

5. After hearing the ld. Counsels of the parties, and perusing the Misc. Case No.15/2015. This court is of the opinion that, a person cannot be compel to continue with the case in the court, if he is not interested to continue and want to withdraw his name from the same. Hence, accordingly, it is order that, the applicant and plaintiff No-2 of title suit is allowed to withdraw his name from the case. As such, the name of plaintiff No-2 Chow Newata Mannaw, shall deemed stand deleted from the title suit.

28/12/15
District Judge
East Godavari District
Taduru (A.P.)

True Copy



6. Misc. Case no.14/2015 is filed by 10(ten) villagers of Lathao village, wherein it is stated that, same dispute is pending before the Deputy Commissioner, Namsai and secondly, they have not authorised the plaintiff to file the title suit before this court. Therefore, case should be dismissed.

7. Mr. J. Ahmed, contended that, the Deputy Commissioner, Namsai has no jurisdiction to decide the title of land. The plaintiff will represent rest of villagers of Lathao village, and for himself who has right and interest in the land in question.

8. I have heard, Ld. Counsels of the parties, perused the petition, and provisions of law.

9. As there is a objection from 10(ten) members of Lathao village, against the plaintiff from representing and filing the title suit in this court on their behalf. Therefore, this court hold that, the plaintiff cannot represent or file the suit on their behalf. Accordingly, objection petition, Misc. Case No.15/2015 filed by 10(ten) villagers is allow to the extent that the plaintiff shall not represent those 10(ten) villagers in the case. With this Misc. Case no.15/015 is disposed off.

10. However, as regards to the maintainability of title suit is concern, this court is of the judicious view that, as the rest of 150 family of lathao village, did not filed any objection, despite of public

True Copy

29/4/15
District Judge
East Godavari Division
Tenali (A.P.)



notice publish under Order-1, Rule-8 of CPC That apart, the plaintiff himself stated to have right and interest in the land in question, As such, the suit cannot be rejected, because of objection from only 10(ten) out of 160 family of Lathao village. Even plaintiff can file the suit in his individual capacity, if he can show his right and cause of action in the case.

In view of above facts and discussions, this title suit is admitted for trial. Issue notice to all respondent, as to why decree shall not be passed as prayed by the plaintiff. Respondents may file their reply/W/S on or before next date. Ld. Counsel for plaintiff to take necessary steps for causing notice to respondents.

11. Misc. Case no.07/2015 is filed by the plaintiff, with a prayer for passing of an interim injunction, thereby restraining respondents from doing any activities in the land in question.

Mr. Ahmed, Ld. Counsel, contended that, respondent are falling trees, clearing jungles and changing the face of the land in dispute. Hence, prayer for interim order.

12. I have also heard Mr. I. Ahmed on interim prayer.

13. Let the notice be also issued to the respondents, as to why an injunction shall not be pass by this court as prayed for.

True Copy

29/1/15
District Judge
East Godavari District
Tadipatri (A.P.)

Respondents may file their reply on or before next date. Mr. Ahmed, shall take necessary steps for notice.



14. However, by considering the nature of the case and facts place before this court, as an Interim, it is order that, 'status-quo' as on today shall be maintain in the disputed land.

15. Next date of the case is fixed for W/S on 11.05.2015. list the case accordingly.

16. Given under my hand and seal of this court on this 27th day of March'2015.

Handwritten signature/initials

[NANI GRAYU]
District Judge
East Sessions Division, Tezu
Arunachal Pradesh
District Juogh
East Sessions Division
Tezu (A.P)

True Copy

CVC/RL/2015/07-13

Dated Chongkham

26-04-2015

To

The Secretary

Ministry of Environment and Forests

Government of India, Pariyavaran Bhawan, New Delhi.

Sub: Illegal activities by Chow Pingthika Namchoom inside
 MANABHUM RESERVED FOREST

Ref: CVC/RI/2015/01-06 Dt.16-02-2015

Sir,

I have the honour to request kindly to refer to my submission under reference on the subject quoted above and intimate action taken so far. As both the Central and the State Government are not taking action over the said land mafia and other land mafias including foreiners like Chakma refugees have intensified their activities and devastated large extend of fragile tropical rain forests inside the

following R.Fs. of NAMSAI Forest Division and very existence of some of the R.Fs is at the hands of these land mafias

1. NAMSAI RF. THIS RF was Notified in the year of 1936 with an area of 23.75 sq.km . Now there is no existence of the RF, Namsai town has come up within this RF & large numbers of mansoins have come up without any permission whatsoever by any authority .
2. Noa Dihing RF . Created in the year of 1937 with an area of 11.17 sq.km . the entire area of the RF is encroached, The existence of the RF is almost zero .
3. MANABHUM RF.-Created in the year of 1937 with an area of 135.05 sq.km. Now CHOW PINGTHIKA NAMCHOOM the offender as mentioned above claimed the RF to be his Jhum cultivation land an carrying out



True Copy

2
 for immediate w/a pl.
 SM
 8/5

APCOR(RE)

Pl b/w 4

DCF (P&M) Asst.
 P&M/G
 11/5

various nonforestry activities at his own will as mention in my previous submission . In the meantime he has also filed a Suit in the Court of the District East Session Division Tezu claiming the MANBHUM RF to be his private property knowing fullywell that it is a notified RF and belong to the Govt.

In this connection this is to enclose copy of the pronouncement of the Honourable District Judge of the East Session Division Tezu, The Honourable Court has admitted the claim of CHOW PINGTHIKA NAMCHOOM of LATHAO village who claimed Govt notified MANABHUM RF without getting clarified the very status of the land from Forest Authority or the Deputy Commissioner Namsai and has inadvertantly pronounced such order and trying to encourage the land mafias in occupying RF land.

4.Tengapani RF +

5.Turung RF. +

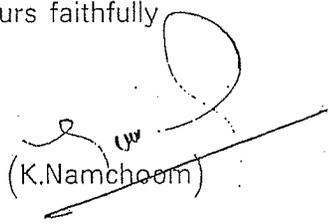
6. Lohit RF. + Thousand of hectares of RF lands have been sold and

7.Khomong RF. +purchased amongst the land Mafias and cleared for

8 Peyong RF. +non forestry purposes illegally.

It is requested to look into the matter and directed the State govt for immediate necessary action.

Yours faithfully


(K.Namchoom)

A Senior Citizen &CVC Chief

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GOVT. OF ARUNACHAL PRADESH
OFFICE OF THE CHIEF CONSERVATOR OF FORESTS
EASTERN ARUNACHAL CIRCLE::TEZU

No.EAC/S-129/92/2650-51

Dated Tezu the 15th June'2015

To,

The Principal Chief Conservator of Forests,
Govt. of Arunachal Pradesh
Itanagar.

Sub:- Illegal activities by Chow Pingthika Namchoom of Lathao village inside Manabhum RF and court judgment thereof.

Ref:- 1. No.FOR./352/PRO/2012/4648-49 dtd Itanagar 16/03/15.
2.No.FOR.352/PRO/2012/9,738-39 dtd Itanagar 13/05/2015.

Sir,

This is to inform that a complaint was received from Shri K. Namchoom, A Senior & CVC Chief of Chowkham village of Namsai District for illegal activities inside the Manabhum RF by Chow Pingthika Namchoom of Lathao village. Accordingly, action was taken and detailed report submitted to you vide this Office No.EAC/S-129/92/1991 dtd Tezu the 13th May/2015. And vide No.FOR./352/PRO/2012/9738-39 dtd 13/05/2015, a similar complaint received from Shri K. Namchoom, A Senior & CVC Chief of Chowkham village along with a copy of interim judgment dated 27/03/15 of District judge, East Sessions judge, Tezu on the Misc. care No.14(NMS)/2015, case No.15 (NMS)/2015 and case No.07 (NMS)/2015. The operation part of the judgment is reproduced below-

"Considering the nature of the case and facts place before the court, it is order that Status-quo as on today shall be maintain in the disputed land".

But, the question of dispute over area in question between two groups does not arise since it is a part of Manabhum RF. Therefore, it is felt that a petition against the interim judgment of court is to be filed to counter claim the land in question. In this connection, you are requested to suggest the further course of action to be taken in light of the above mentioned proposal.

Yours faithfully,

R.K Deori

Chief Conservator of Forests
Eastern Arunachal Circle::Tezu

Copy to:-

The Divisional Forest Officer, Namsai for information.

GOVT OF ARUNACHAL PRADESH
OFFICE OF THE DIVISIONAL FOREST OFFICER
NAMSAI FOREST DIVISION: NAMSAI

NO. AND/18/2015/TECH/5117-18

Dtd. Namsai the 8th Oct/2015.

To,

The Principal Chief Conservator of Forests.
Govt. of Arunachal Pradesh
Itanagar.

Sub:- **Regarding hearing of the Case No. 02/NMS-015 filed by Chow Pha-Pintika Namchoom.**

Ref:- i) This office letter No. AND/18/2015/Tech/4794-96 Dtd 11.9.15
ii) Your letter No. FOR.352/PRO/20/2012/16961 Dtd. 7.7.2015.

Sir,

This is to state that as reported by Advocate Biju Biswas a petition U/S 1 Rule 10 of CPC has been filed before Hon'ble Court of District & Session Judge, Tezu with a request to make Forest Department as one of the parties which has been accepted also and the hearing is fixed on 17/11/15. Copy of the letter sent by the advocate is enclosed herewith. In this connection it is further stated that the hiring charge of the advocate is required to be paid for which a letter under memo No AND/18/2015/TECH/4794-96 Dated 11-9-2015 has already been sent. Hence necessary sanction may be accorded in this regard and funds are released at the earliest so that necessary court proceedings are continued till favourable verdict is issued.

This is for favour of your information and necessary action please.

Yours faithfully

(Rini Riba) APFS
Divisional Forest Officer
Namsai Forest Divn. Namsai

Copy to:-

The Chief Conservator of Forests, Eastern Arunachal Circle, Tezu for favour of information please.

(Rini Riba) APFS
Divisional Forest Officer
Namsai Forest Divn. Namsai

True Copy

**IN THE COURT OF DISTRICT AND SESSION JUDGE, EAST SESSIONS
DIVISION: TEZU: DISTRICT LOHIT (A.P.)**

17/11/15
BINU BIJIAS, LL.B.
Advocate-Registration No. - 8542k-01
DISTRICT & SESSIONS COURT TEZU
CHAMBERS Complex
Post, Tezu, Dist. Lohit (AP)
(M) - 94362-50998
Email: binubijiaswasadi999@gmail.com

Dated, 21 / 9 / 2015

Misc.(c) 43

In T/S No. 02 (NMS)/2015

Chow Pintika Namchoom
S/o Lt. Pha Tan (Gohain) Namchoom
R/o Vill- Lathao PS & PO- Namsai
District Namsai (A.P) & Ors..... Plaintiffs

-versus-

Chow C.K Namchoom
S/o Lt. Nanda Namchoom
R/o Vill- Chowkham PO & PS-.Chowkham
District Namsai (A.P) & Ors..... Defendants

And

1) The Principal Chief Conservator of Forests,
Arunachal Pradesh
2) The Divisional Forest Officer,
Namsai Forest Division, Namsai, Namsai..... Petitioner

IN THE MATTER OF:

A petition filed U/o 1 Rule 10 of C.P.C for intervention as co-defendant.

True Copy

Most respectfully sheweth:

1. That the above named petitioner begs to submit that they are representative of the Forest Department and representing the State Forest Department having its head office at Itanagar with its Divisional Office located at Namsai under Namsai District of Arunachal Pradesh.
2. That the above named plaintiff has instituted a title suit for declaration of right, title and interest over the suit land more fully described in the scheduled below and to declare the plaintiff as legal owner of the land mentioned in the scheduled.
3. That the petitioner begs to submit that the suit land belongs to the Forest Department of Arunachal Pradesh and the plaintiff has filed a title suit to be declared the plaintiff as owner. In the event of declaration the Forest Department's property will be lost.
4. That the petitioner also begs to submit that they had interest in the said suit land and intends to challenge the binding nature of the suit land belongs to the petitioner (Forest Department).
5. That the petitioner in the facts of the case should be allowed to intervene in the suit as a co-defendant.
6. That the petitioner begs to submit that there is sufficient cause as well as evidence showing that the petitioner's rights and title over the said suit land. And for the ready reference of the Hon'ble Court the following documents are also enclosed herewith:
 - a. COPY OF SKETCH MAP OF MANABHUM RESERVE FOREST.
 - b. COPY OF NOTIFICATION MANABHUM RESERVE FOREST.
 - c. LETTER FROM C.C.F TO D.F.O. TEZU
 - d. LETTER TO D.F.O NAMSAI FROM MANABHUM FOREST RANGIER.

True Copy

- e.
7. That the petitioner begs to submit that the Department had issued several notices to the plaintiff under the provision of law directing the plaintiff to vacate the land as encroached by the plaintiff in the Govt. land but the plaintiff did not comply with the orders of the Department and with the view to bring the suit land under his occupation has filed the above mentioned suit land.
 8. That the petitioner begs to submit that the suit land are land of the Forest Department and are reserved Forest and the said Forest area was brought under the Reserved Forest vide proper notification under the provision of law in force.
 9. That this petition is filed bonafide and for the end of justice.
 10. That the petitioner begs to submit that he may be allowed to file additional documents if made parties to the suit.

It is therefore prayed that the Court may be pleased to admit this petition and be pleased to permit the petitioner to intervene directing the plaintiff to add the present petitioner as a co-defendants.


Humble petitioner

Verification

I Shri Nobin Goain aged about 50 years S/o of L.T. S. Gohain, a resident of village Lathow PO & PS- Namsai District Namsai (A.P) and by occupation Govt. Service and representing the Department of Forest in the above noted suit do hereby declare that all the statements mentioned above are true to best of my knowledge, information and belief.


Petitioner

True Copy

Affidavit

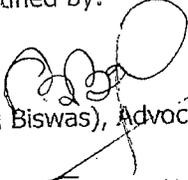
I Shri Nobin Gohain aged about 50 years S/o LT. S. Gohain, a resident of village Lathow PO & PS- Namsai District Namsai(A.P) do hereby solemnly affirm and declare on oath as under:

1. That I am the petitioner representing the State Forest Department of the present land suit and being well conversant with the facts and circumstances of the case, I am competent to swear this affidavit.
2. That the statements made in para ___ are true and correct to my knowledge and those made in ___ are matters of record and I believe them to be true and the rest of the paragraphs are my humble submissions before this Hon'ble court.
3. That the statements made in this affidavit are true and conceals nothing and that no part of it is false.

And I signed this affidavit on this _____ day of _____ at Tezu.

Deponent

Identified by:


(Biju Biswas), Advocate

BIJU BISWAS, LLB
Advocate, Regd. No.- 854/2k-01
DIST & SESSION COURT TEZU
CHAMBER- A/S Complex
P.o.- Tezu, Dist- Lohit (AP)
(M)- 94362-50998
E-mail : bijubiswasadv999@g.com

True Copy

Arunachal: New 180-foot Buddha statue in Namsai to be a tourist attraction



by NE NOW NEWS
November 2, 2018 4:47 pm



A statue of Lord Buddha measuring 180 feet is under construction at the Dhamma Hill, Latha in Namsai District of Arunachal Pradesh.

Once it is completed it will add attraction to Namsai-Tengapani-Parashuram Kund-Tezu-Bhismaknagar-Roing-Mayudia Tourist Circuit of Arunachal Pradesh.

Deputy Chief Minister Chowna Mein with a team of officials visited the site of the statue to ins: the ongoing construction work.

True Copy

GOVERNMENT OF ARUNACHAL PRADESH
OFFICE OF THE DIVISIONAL FOREST OFFICER
NAMSAL FOREST DIVISION::NAMSAL

No.AND/18/2015/Tech/

2379-80

Dated, Namsal the 25th April/2015.

To.

The Deputy Commissioner,
Namsal District::Namsal.

Sub: **Illegal activities by Chow Pingthika Namchoom of Lathao Village inside Manabhum RF-
submission of report thereof.**

Ref: 1. The Under Secretary (Home) Itanagar's letter No.HMB (B)-35/2015 Dated
12/3/2015 &
2. Your letter No.NLM-86/2006-07/19 Dated 2nd April/2015.

Sir.

With reference to the letter nos cited above on the subject I am to inform you that the Range Officer, Manabhum Forest Range, Lathao, under whose territorial jurisdiction the illegalities are reported to have taken place, was directed vide this office letter No.AND/39/06/1864 Dated 23rd March/2015 to submit a detailed report after investigating the matter for submission of the same to the Government.

While enclosing herewith the copy of the Range Officer Lathao's self explanatory report submitted vide letter No.MBR/61/2000/177 Dated 23/4/2015 I am to inform you that as per the record submitted by the Range Officer Lathao, almost all the encroachment cases as reported by Shri K.Namchoom, senior Citizen & CVC, Chief Chongkham Village in his letter dated 16/2/2015, dates back to 1992/93 to 1997-98 & onwards except the excavation of earth as appeared under item no 5. My scrutiny of the records also reveal that these encroachments took place during 1997-98 & onwards for which necessary offence report also seem to have been filled for the nature of offence detected during those period. It also reveals from the record that time to time offence cases were also filled by the Range Officer, Lathao against the encroachers as & when such offences were detected.

The undersigned visited the spots to have first hand information of the areas reported to be under encroachment. The raising of orange garden, tea plantation, construction of a road leading to an under-construction site of a religious and other structure was found during my visit.

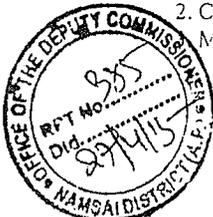
The establishment of orange & tea garden, construction of structures and construction of road in the encroached area, as reported, doesn't look like, the one, which have been established recently. However, the area of the removal of earth/excavation is not too old. But there is no further excavation going on in the area and it is understood that the Range Officer has stopped the further removal immediately on detection of the offence. It also could not be ascertained who was responsible for the excavation of the earth. The selling of RF lands could not also be established.

As seen from the records there is a serious dispute/misconception by the people of Lathao village about the western boundary of the Manabhum RF which they believe that the above mentioned encroached locations-which are on western boundary- are not a part of RF land. But as per our record the encroached locations falls within Manabhum RF. Hence, a complete survey of the area involving villagers, forest Dept & officials from land record is required.

The Range Officer, Manabhum Forest Range, Lathao has submitted copies of three nos of offence reports relating to the above mentioned encroachment which are also enclosed herewith.

Encl:-

1. Copy of the RO's report.
 2. Copy of the offence report-3nos.
- Map showing the encroached area.



Yours faithfully,

(Rini Riba)APFS
Divisional Forest Officer,
Namsal Forest Division::Namsal

Copy to:

The Chief Conservator of Forests, Tezu along with the copies of the above mentioned enclosures for information & necessary action please. Early demarcation of the western boundary of Manabhum RF is required to settle the misconception/dispute which is the primary contributory factor for occupation of RF land. The estimate for demarcation is being submitted shortly for favour of his further action please.

True Copy

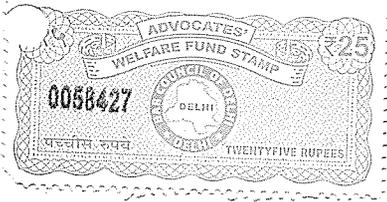
(Rini Riba)APFS
Divisional Forest Officer,
Namsal Forest Division::Namsal

AND I/we hereby agree to ratify whatever the advocates or their substitute(s) shall do in the premises.

IN WITNESS WHEREOF I/We hereunto set my/our hand to these presents, the contents of which have been explained to and understood by me, this the 27th of June 2024.

[Handwritten Signature]
ADVOCATE
[Handwritten Signature]
[Handwritten Signature]

[Handwritten Signature]
CLIENT
Deputy Commissioner,
Namsai District :: Namsai (A.P.)
27/6/24.



Rautray & Co

From: Rautray & Co <mail@rautray.com>
Sent: Saturday, June 29, 2024 3:53 PM
To: 'majitayem@gmail.com'; 'secy-moef@nic.in'; 'dgfindia@nic.in';
'advprakashpande@gmail.com'
Subject: SERVICE - JAMES TELI CAMDER & TONGAM JOMOH VS. MOEF & CC AND ORS
Attachments: Reply - NGT.pdf

Dear Ma'am/Sir,

This is regarding the above captioned matter. Please find enclosed the Reply filed by Respondent No. 2, 3, 5, 6, 7, 8 & 9 in M.A. No. 19/2024/EZ in the O.A. No. 25/2023/EZ.

This is for your kind information and record.

Best Regards,

Devika Thakur
Associate



RAUTRAY & CO.

B3/18 Vasant Vihar
Paschimi Marg
New Delhi - 110057
India

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