

(2026) 08 GAU CK 3884
In the Gauhati High Court
Case No : WP(C)/365/2026

Smti Omi Taga

APPELLANT

Vs

The State Of AP & Ors.

RESPONDENT

Date of Decision : 04-08-2026

Acts Referred:

Arunachal Pradesh Public Premises (Eviction of Unauthorized Occupants) Act, 2003 —
Section 4

Citation : (2026) 08 GAU CK 3884

Advocate : Nalo Pada, Joshep Gao, Takom Roleng, Juel Saroh, Bedanta Kaushik,
Amy Talom, Mr. N. Pada, GA (AP), Ms. G. Ete, G/A

Final Decision : Disposed Of

Judgement

Heard Mr. N. Pada, learned counsel for the petitioner. Also heard Ms. G. Ete, learned Additional Senior Government Advocate for the State respondents.

2. The petitioner, in the present petition, has challenged the order dated 13.07.2026, passed by the Estate Officer, Itanagar Capital Complex, Naharlagun, directing the petitioner to vacate Quarter, being Quarter No. 501/T-II, D-Sector, Naharlagun, within 14 days, i.e., by 27.07.2026, failing which the petitioner would be evicted from the said premises.

3. The petitioner herein, was appointed as a Upper Division Clerk (UDC) in the Department of Art and Culture, Government of Arunachal Pradesh, in the year 2006. During the course of her service, the petitioner was allotted a Government quarter, being Quarter No. 501/T-II at D-Sector, Naharlagun, by the Director, Urban Development & Housing, Government of Arunachal Pradesh, in the year 1998. The petitioner projects that she has been in occupation of the said quarter ever since and has been residing, therein, peacefully.

3.1. The Commissioner, Urban Affairs, by a notification dated 12.01.2026, intimated all concerned about the decision arrived at for demolition of the quarters as mentioned in the said notification for the purpose of construction a multi-storied flats. In the said notification, the quarter occupied by the petitioner

was also incorporated, as one of the quarter identified for demolition. The government employees occupying the quarters mentioned in the said notification were directed to be provided alternative temporary accommodation by the executing agency or were required to avail House Rent Allowance (HRA), till the multi-storied flats are constructed. It was further provided that the employees occupying the quarters mentioned in the said notification would be accommodated in the new flats in the first slot, on its completion.

3.2. The petitioner, being aggrieved, approached the respondent authorities by way of a representation dated 09.02.2026, praying for permitting her to retain the said quarter till her retirement from service. As the said representation was not disposed of, the petitioner, along with another, had approached this Court by instituting a writ petition, being W.P.(C) No. 85 of 2026. A Coordinate Bench of this Court, vide order dated 11.03.2026, disposed of the said writ petition by directing the respondent authorities to dispose of the representation submitted by the petitioner on 09.02.2026. Thereafter, the said representation was considered and disposed of by the Director of Housing Department, Government of Arunachal Pradesh, and the prayer of the petitioner for retention of the quarter came to be rejected. The petitioner thereafter preferred a further representation before the Commissioner, Urban Affairs, Department of Urban Affairs, Government of Arunachal Pradesh.

3.3. The petitioner not having vacated the quarter allotted to her, a notice under Section 4 of the Arunachal Pradesh Public Premises (Eviction of Unauthorized Occupants) Act, 2003, came to be issued to her by the Estate Officer, Naharlagun, requiring her to appear before him on 01.07.2026. On 01.07.2026, the matter was not taken up and thereafter, vide an order dated 06.07.2026, the Estate Officer fixed the matter on 13.07.2026, for hearing.

3.4. Vide an order dated 13.07.2026, the Estate Officer, required the petitioner to vacate the quarter occupied by her on or before 27.07.2026. It was further provided that, in the event of failure to comply with the said direction, the petitioner would be evicted from the said premises by using such force as may be necessary without any further notice.

3.5. The petitioner projects that she has preferred an appeal before the Deputy Commissioner, Itanagar Capital Region, Itanagar, against the order passed by the Estate Officer and that the same is pending consideration before the appellate authority. There being an imminent threat of her eviction from the said quarter, she has instituted the present writ petition.

4. Mr. N. Pada, learned counsel for the petitioner, reiterating the facts noticed, hereinabove, has submitted that the petitioner has been in peaceful occupation of the said quarter and that, in the event she is required to vacate the same, it would cause great inconvenience to the petitioner and her family. He has further projected that the occupants of the adjacent quarters have not been required to vacate their respective quarters. Mr. Pada further submits that the petitioner is

presently undergoing treatment at TRIHMS for ailments suffered by her. He further highlights that the petitioner is a single mother and is providing necessary care and attention to her daughter, who is presently studying. Accordingly, it is submitted that the eviction of the petitioner from the quarter at the present stage would cause immense problems to her and her daughter and accordingly, it is prayed that the petitioner be permitted to occupy the quarter till the date of her superannuation.

5. Ms. G. Ete, learned Additional Senior Government Advocate, submits that the petitioner was required to vacate the quarter, inasmuch as, a decision had been taken to construct multi-storied residential flats in the said premises, with a view to provide accommodation to more Government employees, who are presently without Government accommodation. She further submits that the existing quarter is an old one and that the construction of the proposed multi-storied flats would benefit a larger number of Government employees. She submits that the petitioner has no right to seek continued retention of the quarter in view of the policy decision taken by the competent authorities.

5.1. Referring to the order dated 11.03.2026, passed by this Court in W.P.(C) No. 85 of 2026, Ms. Ete has submitted that this Court had already held that the petitioner has no right to claim for continued occupation of the said quarter. She further submits that the respondent authorities, vide the order dated 13.03.2026, had passed the speaking order setting out, therein, the reasons why the petitioner was required to vacate the said quarter and accordingly, she submits that in the larger public interest, the petitioner is required to vacate the said quarter at the earliest.

5.2. Having made the such submissions, Ms. Ete, learned Addl. Senior Government Advocate, has submitted that the petitioner raising same grievance had earlier approached this Court by instituting W.P.(C) No. 344 of 2026. She submits that a Coordinate Bench of this Court, vide order dated 27.07.2026, upon consideration of the grievance raised by the petitioner, had permitted the petitioner seven days' time to vacate the quarter occupied by her, with the further stipulation that no further extension of time would be granted for vacating the said quarter. She further submits that, thereafter, on 31.07.2026, the petitioner had withdrawn the said writ petition with liberty to file the same afresh.

5.3. In the above premises, Ms. G. Ete submits that the present writ petition be dismissed, requiring the petitioner to vacate the quarter occupied by her.

6. I have heard the learned counsel for the parties and also perused the material available on records.

7. The facts noticed above are not in dispute. The respondent authorities in the Department of Urban Affairs had arrived at a policy decision to dismantle the old quarters at D-Sector, Naharlagun and to construct a multi-storied building, therein. Accordingly, vide notification dated 12.01.2026, the said policy decision

arrived at for dismantling the quarters identified and for construction of a multi-storied building in the said premises was intimated to all concerned.

8. On a perusal of the said notification, this Court finds that the Government employees, whose names and quarter numbers were incorporated therein, for the purpose of dismantling, were to be provided with alternative temporary accommodation by the executing agency or were required to avail of House Rent Allowance (HRA), till the flats are constructed. This Court further finds that it was provided therein that, upon completion of the multi-storied flats, the persons occupying the quarters identified for dismantling would be given allotment in the first slot.

9. Being aggrieved by the notification dated 12.01.2026, the petitioner, along with another, had approached this Court by instituting W.P.(C) No. 85 of 2026. A Coordinate Bench of this Court disposed of the said writ petition with the following conclusions and directions:

"[7.] Having regard to the above projection made by the petitioner and the instructions received by the learned State counsel including the earlier direction passed by this Court in a similar case, this Court is of the considered view that the petitioners cannot be said to have the right to remain in the quarters in view of the decision taken by the State Govt. for constructions of new multi-storied building to accommodate its employees including the writ petitioners. It is also seen that despite the last date for vacation being given as 15.02.2026, the petitioners are still residing in the quarters and further the projection made by them is that the representation filed on 09.02.2026 is not yet considered and disposed of till date.

[8.] In that view of the matter, the respondents are directed to consider the representation submitted by the petitioners on 09.02.2026 within a period of 1(one) week from today by passing appropriate reasoned order. It is provided herein that till the representation is considered and disposed of as directed herein above, the petitioner shall not be forced to leave their quarters. However, depending upon the decision taken by the respondent authorities concerned, it would be incumbent upon the petitioners to comply with the order to be passed as directed herein above. The petitioner shall also decide as to whether they would like to avail the alternative quarters to be provided by the agency in terms of the Notification dated 12.01.2026 or to avail house rent allowance."

10. A perusal of the conclusions drawn by the Coordinate Bench in the said order, would reveal that it was held therein, that the petitioner cannot be said to have any right to continue to remain in the quarter in view of the decision taken by the State Government for construction a new multi-storied building to accommodate its employees, including the writ petitioner. The Coordinate Bench, however, directed the respondent authorities to dispose of the representation preferred by the petitioner on 09.02.2026. The Coordinate Bench further provided that, based on the decision to be taken by the respondent authorities on the said representation, it would be incumbent upon the petitioner to comply with the order so passed.

11. It is seen that the Director (Housing), vide a communication dated 13.03.2026, disposed of the representation preferred by the petitioner in terms

of the directions passed by this Court and therein, after explaining the circumstances leading to the petitioner being required to vacate the said quarter, proceeded to reject the prayer made by the petitioner. In the said communication dated 13.03.2026, it was spelt out that the construction of the proposed multi-storied building was intended to ensure better living conditions for Government employees. Accordingly, the petitioner was directed to vacate the old quarter and either avail the facility of alternative accommodation or avail HRA as per her entitlement. The petitioner having failed to vacate the quarter in terms of the directions passed by this Court in pursuance to the speaking order dated 13.03.2026, passed by the Director, Housing, Government of Arunachal Pradesh, a notice under Section 4 of the Arunachal Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 2003 came to be issued to the petitioner, requiring her to appear before the Estate Officer on 01.07.2026.

12. As noticed hereinabove, vide order dated 13.07.2026, the Estate Officer directed the petitioner to vacate the Government quarter occupied by her by 27.07.2026, and to hand over vacant possession of the same to the Director, Housing, for redevelopment. Although an appeal has been preferred against the said order, the same is stated to be pending consideration before the appellate authority.

13. From the discussion made hereinabove, it is clear that this Court, vide order dated 11.03.2026, passed in W.P.(C) No. 85 of 2026, held that the petitioner had no right to continue to remain in the quarter, in view of the policy decision taken by the respondent authorities for construction of a new multi-storied building in the premises, wherein, the said quarter occupied by the petitioner is so situated. This Court had also required the petitioner to comply with the direction that would be passed upon disposal of her representation by the competent authority. The said observations and directions passed by this Court vide order dated 11.03.2026, in the considered view of this Court, have attained its finality and the petitioner was required to vacate the said quarter. Consequently, upon rejection of her prayer, vide the speaking order dated 13.03.2026. However, the petitioner did not vacate the quarter.

14. At this stage, it is to be noted that the petitioner had assailed the order dated 13.07.2026, passed by the Estate Officer, by way of instituting W.P.(C) No. 343 of 2026. A Coordinate Bench of this Court, vide order dated 27.07.2026, after noticing the background leading to the passing of the order dated 13.07.2026, had passed the following directions:

"9. Having considered that the respondent authorities have already considered the grievance of the petitioner, pursuant to the order of this Court, and the policy of the State to construct new multi-storied buildings by dismantling the old Government quarters at 'D' Sector, Naharlagun, the petitioner is allowed 7 (seven) days' time to vacate the said Government Quarter No. 506/T-II, located at 'D' Sector, Naharlagun.

10. It is made clear that no further time would be granted to vacate the said quarter, as the construction of the new multi-storied buildings is in the interest of Government

employees and the petitioner, like other occupants who have been allotted the Government quarters, is provided with an option of alternative Government quarter or the option to avail HRA."

15. A perusal of the said directions would reveal that the petitioner was again granted a further 7 (seven) days' time to vacate the said quarter, with the further stipulation that no further extension of time would be granted to vacate the said quarter, as the construction of the new multi-storied building was held to be in the interest of the petitioner as well as other Government employees. However, the said writ petition was permitted to be withdrawn with liberty to file a fresh petition. Accordingly, the petitioner instituted the present writ petition. Be that as it may, in terms of the directions passed by this Court vide order dated 11.03.2026 in W.P.(C) No. 85 of 2026, which has since attained finality, the petitioner cannot claim to continue to occupy the quarter allotted to her and on the passing of the speaking order dated 13.03.2026, by the Director, Housing, the petitioner was mandatorily required to vacate the said quarter.

16. This Court, from the materials available on record, finds that the decision of the respondent authorities to construct a multi-storied building after dismantling the quarters occupied by the petitioner and other persons in the said premises is a policy decision taken in the larger public interest to benefit a larger number of Government employees who are without Government accommodation. This Court finds that, in terms of the stipulations contained in the policy decision, as incorporated in the notification dated 12.01.2026, no prejudice is caused to the petitioner inasmuch as she has been provided with an option either to avail of alternative accommodation and/or to avail HRA as per her entitlement.

17. This Court further notices that the petitioner has no right to claim continued occupation of the quarter in question in view of the policy decision arrived at in the matter, pursuant to which the petitioner has been required to vacate the same. Accordingly, this Court holds that the petitioner is bound to vacate the said quarter and permit the respondent authorities to implement the policy decision already arrived at in the matter to dismantle the quarter occupied by her and construct a multi-storied building, wherein, she would also be provided accommodation in the first phase of allotment.

18. In view of the above position emanating in the matter, this Court directs the petitioner to vacate the said quarter on or before 20.08.2026. No further time shall be granted to the petitioner. In the event the petitioner fails to vacate the said quarter within the stipulated period, the respondent authorities shall be at liberty to evict the petitioner, therefrom, by using such force as may be necessary, without issuing any further notice to the petitioner.

19. With the above observations and directions, the writ petition stands disposed of.