GAHC040005052026 2026:GAU-AP:915

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

Case No. : CRP/21/2026

Tagio Tang and Anr
Son of Late Tagio Tai, resident of Hapuk Village, PO and PS Tali, Kra Daadi District, Arunachal Pradesh.

2: Tagio Tanung @ Ponung
Age:
Occupation :
Son of Late Tagio Tarak
resident of Dur Pai Village
PO and PS Tali
Kra Daadi District
Arunachal Pradesh

VERSUS

Rigam Taniang and 3 Ors
Son of Late Rigam Tasa, resident of Tani Village, PO and PS Tali, Kra Daadi District, Arunachal Pradesh.

2:Nyapu Tama (HGB)
Age: 0
Occupation :
Tamuk Village
President of All Gaon Burah Welfare Association Tali Unit
Kra Daadi Distinct
Arunachal Pradesh
resident of Village Tamuk
PO and PS Tali
Kra Daadi District
Arunachal Pradesh.

3:All Goan Burah Welfare Association Tali Unit
Age: 0
Occupation :

Kra Daadi District
Arunachal Pradesh
represented by its President/ General Secretary.

4:The Additional Deputy Commissioner
Age: 0
Occupation :
Tali
Kra Daadi District
Arunachal Pradesh

BEFORE

HON'BLE MR. JUSTICE BUDI HABUNG

Advocate for the Petitionerss : Mr. Gimi. Tarak, ld. Adv.

Advocate for the Respondents : Ms. Kipa Yamak, ld. Adv., Resp. No.1.

Date on which Judgment is reserved : 08.09.2026

Date of Hearing : 08.09.2026

Date of Judgment and Order : 11. 09.2026

Whether the pronouncement is of the Operative part of the Judgment? :No

Whether the full Judgment has been pronounced ? : Yes

JUDGMENT & ORDER

(CAV)

Heard Mr. Gimi Tarak, learned counsel for the petitioners. Also heard Ms. K. Yama, learned counsel for the respondent No.1. None represented on behalf of respondents No.2 & 3 despite of receipt notice.

2. The present civil revision petition under Section 115 of the Code of Civil Procedure, 1908, is directed against the MEL decision dated 22.01.2026 passed by the President, All Gaon Bura Welfare Association, Tali Unit, Kra Daadi District, Arunachal Pradesh (hereinafter referred to as "AGBWA"), whereby the right and title over the disputed land were declared in favour of respondent No. 1.

3. The brief facts leading to the filing of the present petition are that on 12.11.2025, respondent No. 1, Shri Rigam Taniang, submitted a representation before the learned Additional Deputy Commissioner, Kra Daadi District, Arunachal Pradesh, praying for issuance of a MEL order, alleging, inter alia, that the petitioners had illegally claimed his land situated at Tani Village of Loa Bangoos.

4. The learned Additional Deputy Commissioner endorsed the said complaint/representation to Shri Nyaku Tama, Head Gaon Bura (HGB) of Tamuk Village/President of AGBWA, for settlement of the dispute. Pursuant to the said endorsement, Shri Nyaku Tama, HGB, in his capacity as President of AGBWA, issued a MEL notice/order dated 08.01.2026 fixing the matter for hearing on 16.01.2026, which was subsequently re-fixed for 22.01.2026.

5. It is the case of the petitioners that after a brief hearing, the members conducting the MEL allegedly proceeded to demarcate the disputed land without the knowledge or consent of the petitioners and thereafter informed them about such demarcation. The petitioners further contended that the MEL decision dated 22.01.2026 was passed by the HGB in the capacity of the President of AGBWA, Tali Unit, and it was passed in the absence of the petitioners and that a copy of the said decision was not furnished to them. According to the petitioners, they came to know of the said decision only when a copy of the order dated 17.01.2026 passed in WP(C) No. 100/2026 was produced and submitted by the respondent No.1 before the learned Additional Deputy Commissioner.

6. Being aggrieved, the petitioners have approached this Court contending, inter alia, that the President of AGBWA had no statutory jurisdiction to adjudicate upon the civil dispute between the parties or to declare right and title over the disputed land. It is contended that the impugned MEL decision is therefore without jurisdiction and is liable to be set aside.

7. Mr. Tarak, learned counsel for the petitioners, submits that jurisdiction is conferred by law and cannot be assumed merely by consent of the parties, by an administrative endorsement, or by the decision of a private association. According to him, the Assam Frontier (Administration of Justice) Regulation, 1945 (hereinafter, "the AFR, 1945"), confers civil jurisdiction upon the village authority constituted in accordance with law, but does not confer such jurisdiction upon a welfare association or an association of Gaon Buras/Gaon Buris merely by virtue of its registration or nomenclature.

8. Learned counsel for the petitioners further submits that the Arunachal Pradesh Civil Courts Act, 2021 (hereinafter, "the Civil Courts Act"), as amended, recognizes customary courts and the statutory/customary authorities contemplated therein, but does not confer adjudicatory jurisdiction upon every association formed by Gaon Buras or Gaon Buris. It is accordingly submitted that the impugned MEL decision, having been rendered by an authority lacking jurisdiction, is a nullity in the eye of law.

9. Ms. Yama, learned counsel appearing for respondent No. 1, fairly conceded the submissions advanced on behalf of the petitioners with regard to the jurisdiction of AGBWA. She, however, submits that the petitioners may be granted liberty to approach the appropriate authority/forum for adjudication of the dispute in accordance with law.

10. I have considered the submissions advanced by learned counsel for the parties and have also perused the materials available on record.

11. I have further considered the relevant provisions of the AFR, 1945, the Arunachal Pradesh Civil Courts Act, 2021, and the amendments made thereto.

JURISDICTION OF THE VILLAGE AUTHORITY/ CUSTOMARY COURT

12. The question which arises for consideration in the present petition is a narrow but important one: *whether a registered association such as the All Gaon Bura Welfare Association, merely by virtue of being an association of Gaon Bura/Gaon Buris and by conducting a proceeding styled as a "MEL" or "Keba", can assume jurisdiction to adjudicate a civil dispute concerning right, title or possession over immovable property*.

13. Regulation 5 of the AFR, 1945 assumes significance in this regard. The said provision empowers the Deputy Commissioner to appoint such person or persons as he considers appropriate as members of the village authority for such village or villages as may be specified. The Deputy Commissioner is further empowers to modify or cancel such appointment or dismiss any person so appointed.

14. Thus, the authority to exercise the statutory functions of a village authority flows from the AFR, 1945. The jurisdiction is not created merely by the fact that a person happens to be a Gaon Burah, Gaon Buri, HGB or member of an association of such persons. The source of jurisdiction must be traceable to the statutory framework and the constitution/recognition of the concerned customary authority in accordance with law.

15. Regulation 40 of the AFR, 1945 confers civil jurisdiction upon the village authorities. The provision, being relevant is reproduced, which reads as follows:

> "***The village authorities shall try all suits without limit of value, in which both the parties are indigenous to the Union Territory of Arunachal Pradesh and live within their jurisdiction and which are not submitted to***

arbitration under the provisions of Section 38. All other suits which are not submitted to arbitration under the provisions of Section 39 shall be tried by the Deputy Commissioner or an Assistant Commissioner."

16. The above provision makes it clear that the jurisdiction to try civil suits is conferred upon the village authority contemplated by the AFR, 1945. It is, therefore, necessary to identify the authority which legally constitutes the village authority before such adjudicatory power can be exercised.

17. The Arunachal Pradesh Civil Courts Act, 2021 provides a statutory framework for the civil courts in the State and recognizes the Customary Court as part of the judicial structure contemplated under the Act. Section 2(d) of the said Act. The Act defines the "**Customary Court"** ***to mean the court of a traditional council or authority of a village or villages indigenous to the State, by whatever name called, and includes a court of village authority under Section 5 of the AFR, 1945***.

18. The legislative scheme was further clarified by the Assam Frontier (Administration of Justice) Regulation (Amendment) Act, 2023. The amended definition of "**village authority**" expressly recognizes members of a traditional village council, inter-village territorial council or Apex Council, by whatever name called, including the Head Gaon Bura, Head Gaon Buri, Gaon Bura, Gaon Buri and traditional village head.

19. The 2023 amendment is significant because it demonstrates that the expression "**Village Authority**" is not confined to the nomenclature by which a particular customary institution is known in a particular tribe or locality. The law recognizes the customary institutions and authorities which fall within the statutory definition, irrespective of the nomenclature by whatever name they may be called.

20. However, the expression "**by whatever name called**" cannot be understood to mean that every association, society, body or organization which adopts a customary

nomenclature automatically acquires judicial or adjudicatory jurisdiction. The name of an institution cannot itself be the source of jurisdiction. Jurisdiction must emanate from the statute, a valid appointment/constitution under the statutory framework, or a customary authority recognized by the applicable law.

21. In the present case, AGBWA is admittedly an association/welfare body. There is nothing on record to demonstrate that the said Association itself was constituted or appointed as a village authority under Regulation 5 of the AFR, 1945, or that it was otherwise constituted as a Customary Court in accordance with the statutory framework governing customary courts in the State.

22. The fact that it's President happens to be a Head Gaon Bura does not, by itself, confer upon the Association the statutory jurisdiction of a village authority. Likewise, an endorsement made by an administrative officer on a private complaint cannot confer a jurisdiction which the law itself does not confer. Jurisdiction cannot be created by consent, submission, acceptance, administrative endorsement or by the nomenclature adopted by a body.

23. The distinction between an individual appointed/recognized as a member of a village authority and a welfare association of Gaon Buras/Gaon Buris is therefore material. A Gaon Bura may exercise such statutory/customary functions as are lawfully vested in him or her as part of the competent village authority. That does not mean that the association to which such Gaon Bura belongs automatically becomes a court or village authority having power to adjudicate civil disputes.

24. The impugned MEL decision is not merely a decision concerning a private association's internal affairs. It purports to adjudicate upon right and title over immovable property and thereby determines civil rights between the parties. Such adjudicatory power can be exercised only by an authority having lawful jurisdiction to do so.

25. It is a settled principle that where an authority acts without jurisdiction, the defect attacks at the root of the proceeding. An order passed by an authority lacking inherent jurisdiction cannot acquire validity merely because the parties participated in the proceeding or because an administrative authority directed the parties to appear before it.

26. In the present case, the materials placed before this Court do not establish that AGBWA, as an association, was a competent village authority or Customary Court vested with jurisdiction to adjudicate the dispute between the parties. Consequently, the President of AGBWA, acting in that capacity, could not have assumed jurisdiction to adjudicate upon the title/right of the parties over the disputed land.

27. It is, therefore, necessary to make the legal position clear for the future. The adjudicatory jurisdiction of customary courts in the State flows from the AFR, 1945, the Arunachal Pradesh Civil Courts Act, 2021, as amended, and the applicable legally recognized customary framework. Such jurisdiction cannot be assumed by a private or registered association merely because it consists of Gaon Buras, Gaon Buris, HGBs, GBs or other community members, or because the proceeding is described as a "Keba", "MEL" or by any other customary nomenclature.

28. This Court is not called upon in the present proceeding to question the importance of the Gaon Bura institution, customary practices or community-based dispute resolution. On the contrary, customary institutions occupy an important place in the administration of justice in Arunachal Pradesh. However, customary justice must operate within the jurisdiction recognized by law. The sanctity of customary institutions is strengthened, and not diminished, when their jurisdiction is exercised strictly in accordance with the statutory framework.

29. In view of the above discussion, this Court holds that the impugned MEL decision dated 22.01.2026 passed by the President of AGBWA, in his capacity as

President of the said Association, was passed by an authority having no statutory jurisdiction to adjudicate upon the civil dispute between the parties. The impugned decision is, therefore, without jurisdiction and cannot be sustained in law.

30. Accordingly, the MEL decision dated 22.01.2026 is hereby quashed and set aside.

31. It is, however, clarified that this Court has not expressed any opinion on the merits of the rival claims of the parties regarding the disputed land. The parties shall be at liberty to approach the competent village authority/Customary Court or other appropriate forum having jurisdiction in accordance with the AFR, 1945, the Arunachal Pradesh Civil Courts Act, 2021, as amended, and other applicable law.

32. If the parties approach the competent forum, the matter shall be considered independently and in accordance with law, without being influenced by the findings or observations made in the impugned MEL decision dated 22.01.2026.

33. Before parting, this Court considers it appropriate to observe that no welfare association, NGO, society, community organization or other private body, merely by adopting the nomenclature of Keba, MEL, Gaon Bura, Gaon Buri Association or any similar expression, can assume the judicial jurisdiction vested by law in a village authority or Customary Court. Any person or body exercising customary adjudicatory functions must first demonstrate the lawful source of such jurisdiction.

34. The civil revision petition stands allowed and disposed of in the above terms.

JUDGE

Sabnam