GAHC040011592026 2026:GAU-AP:1012

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

Case No. : CRP/67/2026

Goboi Rijiju son of Kharu Rijiju, permanent resident of Nakhu Village, PO and PS nafra, Bichom District, Arunachal Pradesh.

VERSUS

Khallung Rijiju and 2 Ors
Son of Shri Rinchin Kharu Rijiju, resident of Nakhu Village, PO and PS Nafra, Bichom District, Arunachal Pradesh.

2:Tenzin Tsangpho Siongju
Age: 32
Occupation :
Son of Shri Dongru Siongju
resident of Dibbin
PO and PS Nafra
Bichom District
Arunachal Pradesh.

3:The Deputy Commissioner
Age: 0
Occupation :
Bichom District
Camp Nafra
PO and PS Nafra
Bichom District
Arunachal Pradesh

Advocate for the Petitioner : Ojing Pada, Dorjee Phinjo Sona, Habu Takum, Dada Pangu, Taja Mingki, Likha Moriam

Advocate for the Respondent : Tania Kipa, Kago Tana,Kipa Yamak

:::BEFORE:::

HON'BLE MR. JUSTICE BUDI HABUNG

Advocates for the petitioner	:	Mr. O. Pada
		Ms. L. Mariam
		Mr. D. Pangu
		Mr. H. Taku
		Mr. P. D. Sona
Advocates for the respondents	:	Mr. T. Kipa
		Mr. K. Tana
		Mr. K. Nishang
		Mr. K. Umpo
		Ms. K. Yamak
		Mr. V. Rava
		Mr. P. Atap
		Mr. T. Nana

1. Date on which judgment is reserved: 07.09.2026
2. Date of pronouncement of judgment: 30.09.2026
3. Whether the pronouncement is of the operative part of the judgment? NA
4. Whether the full judgment has been pronounced? YES

JUDGMENT & ORDER(CAV)

Heard Mr. Ojing Pada, learned counsel appearing on behalf of the petitioner. Also heard Mr. Tania Kipa, learned counsel appearing on behalf of the respondents.

2. The present Civil Revision Petition under Article 227 of the Constitution of India, is directed against the customary judgment dated 27.05.2026 passed by the President of All GB Association, Bichom District, whereby, the petitioner is held liable to pay Rs. 5,81,83,152/- to the Respondents No. 1 & 2 and value of one Mithun (Rupees One Lakh) to the Respondents No. 1 & 2 within 7(seven) days from the date of the judgment. The petitioner has also challenged the

Garnishee Notice dated 24.07.2026 issued by the District Magistrate, Bichom District, under Order XXI Rule 46 of the Code of Civil Procedure, 1908, in Execution Petition No. BCM/DC/JUD-03/2026-27.

3. The brief facts leading to the filing of the present civil revision petition, as narrated by the petitioner, is that the petitioner has participated in a tender process through his proprietorship Firm and on 07.03.2024, the petitioner's proprietorship Firm was issued with a work order for "improvement, widening and re-alignment of road from Nafra to Integrated Development of Tourism Centre for a length of 10.60 KMs. for an estimated cost of Rs. 30,81,80,000/- only by the Deputy Secretary, Public Works Department, Government of India. In this regard, the petitioner entered into an agreement with the Respondent No. 1 on 06.03.2024 to execute the aforementioned tender work, amongst others, with a condition that the Respondent No. 1 will pay the petitioner's proprietorship Firm only the commission of 1% on the net bill amount against each running bill. The agreement also specifically mentioned that in case of any dispute, the jurisdiction would be Nafra. When a dispute arose between the petitioner and the Respondent No. 1 regarding the execution/work completion, value on payment of claimed amount, the Respondent No. 1 lodged a complaint dated 17.02.2026 before the Inter-Village Territorial Customary Council of Nafra Circle against the petitioner for recovery of Rs. 5,81,83,152/- from the petitioner. Upon receipt of the complaint, the Inter-Village Territorial Customary Council of Nafra Circle issued summons to the petitioner on 27.03.2026 and 27.04.2026, requiring the appearance of the petitioner on 27.05.2026. It is stated that the summons so issued, were not received by the petitioner. However, the same were received by his Manager but it was not informed to the petitioner due to which he could not attend the customary proceeding on 27.05.2026. As a result, the Inter-Village Territorial Customary Council of Nafra Circle passed an ex-parte judgment dated 27.05.2026 and subsequently, decree was passed on 04.06.2026 with a direction to enforce the agreement dated 06.03.2024 and to recover a sum of Rs. 5,81,83,152/- from

the petitioner and the value of one Mithun[Rupees one lakh] to the Respondent. Subsequently, the Respondent filed the Execution Petition No. 01/2026 under Section 27(2) of the Arunachal Pradesh Civil Courts (Amendment) Act, 2022, *read with* Order XXI Rule 15/32/46/46(A)/46(B)/46(c) of the Code of Civil Procedure, 1908, before the Deputy Commissioner, Bichom. Pursuant thereto, the Deputy Commissioner, Bichom, issued Garnishee Notice dated 24.07.2026 to the Branch Manager, State Bank of India, Nafra, stating that vide order, dated 14.07.2026, it was directed to attach the debt lying in the Current Account No. 11856283200 standing in the name of M/s G.R. Construction maintained in the said Bank to the extent of Rs. 5,81,83,152/-. It was further directed not to permit any withdrawal, transfer, payment, lien, charge, encumbrance or any other operation in respect of the amount lying in the aforesaid Account to the extent of Rs. 5,81,83,152/- without prior permission of the Customary Court.

4. It is the case of the petitioner that the Inter-Village Territorial Customary Council of Nafra Circle proceeded on the complaint and passed the impugned ex-parte judgment dated 27.05.2026, against the petitioner in his absence. The petitioner further contended that the impugned judgment dated 27.05.2026 was passed by the President of All GB Association, Bichom District. Being aggrieved, the petitioner had approached this Court contending, inter alia, that the President of All GB Association, Bichom District, has no statutory jurisdiction to adjudicate upon the civil dispute between the parties or to direct the petitioner to pay the amount, in question, to the respondent. It is further contended that the impugned judgment dated 27.05.2026, is, therefore, without jurisdiction and is liable to be set aside.

5. The further contention of the petitioner is that the Inter-Village Territorial Customary Council is an appellate Court from the Customary Court and it lacks original jurisdiction to entertain the complaint.

6. Mr. O. Pada, learned counsel for the petitioner, submits that the jurisdiction is conferred by law and cannot be assumed merely by consent of the parties, or, by the decision of the private association. According to the learned counsel for the petitioner, the Assam Frontier (Administration of Justice) Regulation, 1945, confers civil jurisdiction upon the village authority constituted in accordance with law. But it does not confer such jurisdiction upon a welfare association or a registered association of Gaon Bura and Gaon Buri merely by virtue of its registration or nomenclature. The learned counsel for the petitioner further submits that the Arunachal Pradesh Civil Courts Act, 2021, as amended, recognized customary Courts and the statutory/customary authorities contemplated therein. But it does not confer adjudicatory jurisdiction upon every association formed by Gaon Bura and Gaon Buri. It is, accordingly, submitted that the impugned judgment dated 27.05.2026, having been rendered by an authority lacking jurisdiction, is a nullity in the eye of law. In support of his submission, the learned counsel for the petitioner brought to the notice of the court the order passed by this court in the case of ***Mating Kanu v. The Deputy Commissioner & 3 ors.[CRP No. 40(AP)2023]***, whereby it was held that the "*GBs Association have no power and jurisdiction to sit over and decide the civil suit as they are not customary court within the meaning of customary Court under the Arunachal Pradesh Civil Court's Act, 2023".*

7. The further contention of the learned counsel for the petitioner is that the complaint was lodged by the respondents directly to the Inter-Village Territorial Customary Council, however, the Inter-Village Territorial Customary Council does not have the original jurisdiction to entertain the complaint. The power of original jurisdiction is vested with the customary Court and the Inter-Village Territorial Customary Council is an appellate authority from the customary court. Thus, the Inter-Village Territorial Customary Court lacks original jurisdiction.

8. Mr. T. Kipa, learned counsel for the respondents, by filing an affidavit-in-opposition in the matter, on the other hand, submits that since the matter involves parties covering more than one village, therefore, the complaint lodged before the Inter-Village Territorial Customary Council of Nafra Circle has a broader form as per the practice of Sajolang(Miji) customary Subang-Vabang to resolve the customary dispute and there is no infirmity in taking cognizance of the case by the Inter-Village Territorial Customary Council. Hence, it is contended that the impugned judgment dated 27.05.2026 was duly passed by the Inter-Village Territorial Customary Court after considering the entire facts of the case. As such, the learned counsel has contended that the customary Court has rightly entertained the complaint and passed the impugned judgment dated 27.05.2026.

9. Mr. T. Kipa, learned counsel for the respondents, further submits that the present dispute is regarding the recovery of an amount of Rs. 5,81,83,152/- and the complaint being filed by the Respondents against the petitioner and since the Respondent No. 2 Shri Tenzin Tsangpho Siongju is from Dibbin village and the petitioner Shri Goboi Rijiju is from Nakhu village which interface and touches those two villages. Therefore, according to the learned counsel counsel for the petitioner, as per the old practices within the village authority (Gaon Bura) and as the disputed parties are from different villages, the forum will be in circle level. As such, he contended that the Gaon Bura Association in the district level is the final apex authority for the Gaon Bura known as All Arunachal Pradesh Gaon Bura and Gaon Buri Association which practice is also accepted by the sub-ordinate Gaon Bura Association prior to enactment of the Arunachal Pradesh Civil Courts Act, 2021. Therefore, the complaint lodged before the Circle Level Gaon Bura Association/Inter-Village Territorial Customary Council of Nafra circle has jurisdiction to decide the matter. According to the learned counsel for the respondents, the customary Court defined under Section 2(d) of the Arunachal Pradesh Civil Courts Act, 2021, as a Court of traditional council or authority of village or villages indigenous to the State by whatever name called and includes a

Court of village authority constituted under Section 5 of the Assam Frontier (Administration of Justice) Regulation, 1945. Thus, the village authorities are empowered to try disputes involving indigenous persons without any pecuniary limit. As the customary Court has the original jurisdiction to take-up the case if the disputed parties are from different villages and since the parties in the present case, are from different villages i.e. Dibbin Village and Nakhu Village under Nafra circle, the Inter-Village Territorial Customary Court has the jurisdiction to try the dispute, in question, as per the customary practice.

10. I have heard the rival submissions advanced by the learned counsels for the parties and also perused the materials available on record. I have also considered the relevant provisions of the Assam Frontier(Administration of Justice) Regulation, 1945, Arunachal Pradesh Civil Courts Act, 2021, and the Arunachal Pradesh Civil Courts (Amendment) Act, 2022.

11. Upon consideration of the rival submissions, the following questions arise for determination:

(i). Whether the *All-GB Association,* merely by virtue of being an association of Gaon Buras/Gaon Buris and by conducting a proceeding styled as "Customary Subang Vabang", MEL of otherwise can assume jurisdiction to adjudicate a civil dispute between parties?

(ii). Whether the *Inter-Village Territorial Customary Council (IVTCC)* has original jurisdiction to entertain and adjudicate civil dispute at the first instance?

12. Insofar as the issue No. 1 is concerned, Regulation 5 of the Assam Frontier (Administration of Justice) Regulation, 1945, assumes significance. The said provision empowers the Deputy Commissioner to appoint such person or persons

as he may considers appropriate as member of the village authority for such village or villages as may be specified. The Deputy also empowers to modify, or, cancel such appointment, or, dismiss any provision so appointed. Thus, the authority to exercise the statutory functions of a village authority flows from the Assam Frontier (Administration of Justice) Regulation, 1945. Such jurisdiction does not arise merely because a person happens to be a Gaon Bura, Gaon Buri, Head Gaon Bura or Head gaon Buri, or is a member of an association/registered association of such persons. The source of jurisdiction must be traceable to the statutory framework and a legally constituted or recognize customary authority created in accordance with law.

13. Regulation 40 of the Assam Frontier (Administration of Justice) Regulation, 1945, confers jurisdiction upon the village authorities. The provision being relevant is reproduced hereinbelow:

> "***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 lives 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."***

14. The above provision makes it clear that the civil jurisdiction to try civil suit is conferred upon the **village authority** contemplated by the Assam Frontier (Administration of Justice) Regulation, 1945. It is, therefore, necessary to identify the authority which is legally constituted as the village authority before such adjudicatory power can be exercised.

15. The Arunachal Pradesh Civil Courts Act, 2021, established a class of 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 Arunachal Pradesh Civil Courts Act, 2021, defines "Customary Court" to mean the Court of a traditional

council or an 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 Assam Frontier (Administration of Justice) Regulation, 1945. The statutory scheme was further clarified by the Assam Frontier (Administration of Justice) Regulation (amendment), 2023. The amended definition of "village authority" recognizes member of a traditional village council, Inter-Village Territorial Customary Council or Apex Customary Court by whatever name called, including the Head Gaon Bura, Head Gaon Buri, Gaon Bura, Gaon Buri and traditional village head. The law recognizes the customary institutions and authorities which fall within the statutory definition given in the Act, irrespective of the nomenclature by whatever they may be called. 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 or nomenclature of an institution cannot, itself be, a valid appointment or constitution under the statutory framework, or a customary authority recognized by the law.

16. In this regard, it is also relevant to refer to the decision of this Court in the case of ***Tagio Tang v. Rigam Taniang & 3 ors.[CRP No. 21(AP)2026]***, wherein, while considering the jurisdiction of the All Gaon Bura Welfare Association to adjudicate a civil dispute relating to right and title over land, this Court held that such jurisdiction must flow from the Assam Frontier (Administration of Justice) Regulation, 1945, the Arunachal Pradesh Civil Courts Act, 2021, as amended, or from a legally recognized customary authority. This Court further held that a welfare association or other private body does not acquire jurisdiction to adjudicate a civil dispute merely because it consists of Gaon Buras/Gaon Buris or conducts a proceeding in the name of "Keba" or "MEL". It was also observed that jurisdiction cannot be conferred by an administrative endorsement or by consent of the parties. Accordingly, the decision passed by the Association was held to be

without jurisdiction and was quashed.

17. In the present case, the All Nafra Circle GBs Welfare Association is admittedly an affiliated association of All Arunachal Gaon Bura and Gaon Buri Welfare Association and it is a welfare body. The Gaon Bura who signed the impugned judgment dated 27.05.2026 is the President of the said association. There is however, nothing on record to indicate that the said association itself was constituted or appointed as a village authority under Regulation 5 of the Assam Frontier (Administration of Justice) Regulation, 1945, or, that it was otherwise constituted as a customary Court in accordance with the statutory framework governing the customary Court in the State. The fact that the President of the said association happens to a Gaon Bura of Longthin village, does not, by itself, confer upon the association the statutory jurisdiction of a village authority or Customary Court. Likewise, an administrative endorsement directing the parties to approach such an association 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 of person as in the present case.

18. The distinction between a person appointed, under Regulation 5 of the Assam Frontier(Administration of Justice) Regulation, 1945, recognized as a member of a village authority and a welfare association of Gaon Bura and Gaon Buri, is, therefore, necessary. A Gaon Bura and Gaon Buri may exercise such statutory or customary functions as are lawfully vested in him or her as a member of the competent village authority. This, however, does not mean that the association to which such Gaon Bura and Gaon Buri belongs to, automatically becomes a Customary Court or village authority having the power to adjudicate civil disputes.

19. The impugned judgment dated 27.05.2026, purports to adjudicate upon the monetary claim between the parties and directs the petitioner to pay a substantial amount to the respondents. It is therefore, adjudicated determining the civil rights. However, such adjudicatory power can be exercised only by an authority having lawful jurisdiction and it can not sustain unless the authority passing it had lawful jurisdiction to do so. It is a settled principle that where the authority acts without jurisdiction, the defect attacks at the root of the proceeding. The order passed by an authority lacking inherent jurisdiction cannot acquire validity merely because the parties were informed/summoned and directed to appear before it by the member of the association in the name of the Inter-Village Territorial Customary Council.

20. In the present case, the materials placed before this Court do not establish that All Nafra Circle GBs Welfare Association as such an association, was a competent village authority or customary Court vested with jurisdiction to adjudicate the dispute between the parties. Consequently, the President of All Nafra Circle GBs Welfare Association acting in that capacity, could not have assumed jurisdiction to adjudicate the dispute or pass a binding judgment against the petitioner.

21. In view of the above discussion, this Court holds that the impugned judgment dated 27.05.2026, passed by the President of All Nafra Circle GBs Welfare Association, in his capacity as the 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 judgment dated 27.05.2026, is, therefore, without jurisdiction.

22. Insofar as the issue No.(ii) which concerns the jurisdiction of Inter-village Territorial Customary Council, Mr. Pada, learned counsel for the petitioner, submits

that in terms of the provision of Section 15(4) of the Arunachal Pradesh Civil Courts Act, 2021, as amended in 2022, the Inter-Village Territorial Customary Council is essentially an appellate forum where the parties aggrieved by a decision of the village level customary Court, can approach such forum only by way of an appeal subject to the agreement of the parties. However, Section 15(4) does not confer original adjudicatory jurisdiction upon the Inter-Village Territorial Customary Council to entertain and decide the private dispute at the first instance. The learned counsel further submits that in the instant case, by the impugned judgment dated 27.05.2026, the Inter-Village Territorial Customary Council of Nafra Circle while deciding the complaint before it, has assumed the original jurisdiction and proceeded to adjudicate the civil dispute which is impermissible under the law, or, in the provision provided under the the Arunachal Pradesh Civil Courts Act.

23. Section 15(4) of the Arunachal Pradesh Civil Courts (Amendment) Act, 2022, assumes significance and the same is reproduced hereinbelow, for ready reference:

> ***"(iii) After the fourth proviso to sub-section (3) of section 15, the following sub-section shall be inserted,-***
>
> > ***(4) An appeal from the village Authority, if agreed to by the parties, shall lie before the inter-village territorial Customary Court or Apex Customary Court, by whatever name called, which shall settle the case as per the local Territorial customary laws under the provisions of section 40 of the Assam Frontier (Administration of Justice) Regulation, 1945.***
> >
> > ***Provided that, an appeal against the order of the inter-village territorial court or Apex Customary Court shall lie before the Courts of Civil Judge Junior Division, the Courts of Civil Judge Senior Division, the Courts of Additional District Judge or the Courts of District Judge, as the case may be, as per their territorial and pecuniary jurisdiction.***
> >
> > ***Provided further that, the courts of Civil Judge Junior Division, the Courts of Civil Judge Senior Division, the Courts of Additional District Judge or the Courts of District Judge, as the case may be, shall not set aside an appeal so filed merely on technical ground or procedural lapses but in the interest of justice shall dispose of the same as may be deemed appropriate or proceed with the case de novo."***

24. Section 15(4) of the Civil Courts Act, as amended, provides for an appeal from the village authority to the Inter-Village Territorial Customary Court or Apex Customary Court, by whatever name called. The provision, as subsequently amended in 2023, also recognizes an appeal where the aggrieved party desires to appeal. It further provides for an appeal against the order of the Inter-Village Territorial Customary Court or Apex Customary Court before the competent regular Civil Court according to territorial and pecuniary jurisdiction.

25. The above provision therefore clearly places the Inter-Village Territorial Customary Court/Apex Customary Court in an appellate position in relation to a decision of the village authority. The provision does not confer original jurisdiction upon the Inter-Village Territorial Customary Court to entertain a civil dispute which has not first been adjudicated upon by the competent village authority.

26. This position has also been considered by this Court in the case of ***Bege Doke v. Nyamo Doke[CRP No. 19(AP)2026, disposed of on 17.06.2026]***, wherein it was held that the Inter-Village Territorial Customary Court does not possess original jurisdiction to adjudicate a private civil dispute at the first instance and that the parties must first approach the competent village authority. The same principle has also been recognized in the case of ***Jumnya Riram & 2 ors. v. Jumi Riram & 5 ors.[CRP No. 43(AP)2023, disposed of on 10.12.2024]***.

27. The contention of the respondents that, since the parties belong to different villages, and that the fact that the dispute concerns parties belonging to different villages or that the subject matter has a wider customary or inter-village dimension does not, by itself, confer original jurisdiction upon the Inter-Village Territorial Customary Court. The proper forum must be determined in accordance with the statutory provision and the applicable customary law.

28. In the present case, the complaint was directly instituted before the Inter-Village Territorial Customary Council of Nafra Circle and there was no adjudication by the competent village authority preceding the impugned decision. The Inter-Village Territorial Customary Council, therefore, could not assume original jurisdiction and adjudicate the dispute at the first instance.

29. Accordingly, in view of the provisions provided under the Arunachal Pradesh Civil Courts Act, 2021, as amended in 2022; the impugned judgment dated 27.05.2026, passed by the Inter-Village Territorial Customary Council of Nafra Circle, insofar as it purports to be a decision of the Inter-Village Territorial Customary Council passed in exercise of original jurisdiction, is without jurisdiction and cannot be sustained in law.

30. Accordingly, the impugned judgment dated 27.05.2026, passed by the President of All GB Association, Bichom District, is hereby set aside and quashed.

31. Consequently, the execution proceedings initiated on the basis of the said judgment, including the Garnishee Notice dated 24.07.2026 issued by the District Magistrate, Bichom District, in Execution Petition No. BCM/DC/JUD-03/2026-27, cannot survive and are accordingly set aside, insofar as they arise from the impugned judgment dated 27.05.2026.

32. It is clarified that this Court has not expressed any opinion on the merits of the rival claims of the parties regarding the disputed claims. The parties shall be at liberty to approach the competent village authority, or, other appropriate forum having jurisdiction in accordance with the provisions of the Assam Frontier (Administration of Justice) Regulation, 1945, Arunachal Pradesh Civil Courts Act, 2021, Arunachal Pradesh Civil Courts (Amendment) Act, 2022, and any other

applicable law.

33. Before parting with the matter, this Court considers it appropriate to reiterate that the adjudicatory jurisdiction of a Customary Court must have a lawful source. No welfare association, NGO, society, community organization or other private body can assume the judicial jurisdiction vested by law in a village authority or Customary Court merely because it consists of Gaon Buras, Gaon Buris, Head Gaon Buras, Head Gaon Buris or other community members, or merely because the proceeding is described as "Customary Subang-Vabang", "MEL", "Nyele", "Keba", "Kebang", "Bulyang" or by any other customary nomenclature. Any person or body exercising customary adjudicatory power must demonstrate the lawful source of such jurisdiction.

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

35. The interim order passed earlier in the present proceedings, and all consequential orders passed in the pending execution proceedings arising out of the impugned judgment, shall stand merged with this judgment.

JUDGE

Comparing Assistant