GAHC040013742026

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

Case No. : WP(C)/400/2026

Duge Taipodia and Anr
Son of Shri Godu Taipdooa, resident of Bali Village, PO and PS Likabali, Lower Siang District, Arunachal Pradesh. 2: Karmi Taipodia
Age:
Occupation :
Son of Shri Gokar Taipodia
resident of Bali Village
PO and PS Likabali
Lower Siang District
Arunachal Pradesh

VERSUS

The State of AP and 3 Ors
represented by the Chief Secretary, Govt of Arunachal Pradesh, Itanagar. 2:The Deputy Commissioner
Age: 0
Occupation :
Lower Siang District
Likabali
Arunachal Pradesh.

3:Mijar Taipodia
Age: 0
Occupation :
Son of Late Karmi Taipodia
resident of Bali Village
PO and PS Likabali
Lower Siang District
Arunachal Pradesh.

4:The Registrar
Age: 0

Occupation :
Gauhati High Court
Itanagar Permanent Bench
Naharlagun
Arunachal Pradesh

Advocate for the Petitioner : Tony Pertin, T Mize,Eddie Payeng,H K Jamoh

Advocate for the Respondent : GA (AP), SC (GHC Ita Bench),Nikita Danggen

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

Date : 10.09.2026

Heard Shri T. Pertin, learned counsel for the petitioners. Also heard Ms G. Ete, learned Additional Senior Government Advocate, Arunachal Pradesh as well as Ms N. Danggen, learned Standing Counsel, Gauhati High Court.

2. Considering the facts and circumstances involved in this case and as agreed to by the parties, this instant case is taken up for disposal at the motion stage. It may however be mentioned that the matter had come up for consideration on 20.08.2026, when this Court had directed the learned counsel for the respondents to obtain instructions and pursuant thereto, Ms N. Danggen, learned Standing Counsel has obtained written instructions.

3. The relief sought for by means of this writ petition is a limited one. It is contended that the petitioner had earlier approached this Court in CRP No.20(AP)/2021 along with CRP No.42(AP)/2022, which were disposed of

by this Court vide judgment and order dated 21.11.2025. By the said order, the impugned orders passed by the executive authorities with regard to a dispute of certain quarry areas were set aside and the Deputy Commissioner, Lower Siang District was directed to forward/transfer the entire case record to the competent civil court for a fresh adjudication in accordance with law. The primary basis of the aforesaid order is the enactment of the Arunachal Pradesh Civil Court's Act, 2021.

4. Shri T. Pertin, learned counsel for the petitioners has however, submitted that despite the best effort, the records which were directed to be transmitted could not be traced out in the office of the Deputy Commissioner. He further submits that the matter had also travelled to the Hon'ble Supreme Court. Ms N. Danggen, learned Standing Counsel has submitted that such records are not available in the Gauhati High Court. Under those circumstances, the learned counsel for the petitioners has submitted that he may be allowed to re-construct the records so that the matter can be dealt with on merits by the competent civil court in terms of the judgment and order dated 21.11.2025. He has also submitted that the materials can be retrieved from the appeal dated 17.03.2025. It is submitted that the aforesaid appeal was the basis of the earlier proceedings and is available as Annexure-V to CRP No.20(AP)/2021 and Annexure-II to the present writ petition.

5. Assisting this Court on the adjudication of the *lis*, Ms Danggen, learned Standing Counsel has placed a decision of Hon'ble High Court of Andra Pradesh reported in ***(2022) SCC Online AP 2410.*** In the said case, the said Court had directed that re-construction of a

document/record can be permissible, if the same is lost from the custody of the Court.

6. In the instant case, though the said records do not appear to have been misplaced from the custody of the Court, the fact of its misplacement is not in dispute which appears to have been from the office of Deputy Commissioner, Lower Siang District.

7. This Court is of the opinion that the misplacement/missing of the records cannot come in the way for the matter to be decided in merit, as decided by this Court in the order dated 21.11.2025.

8. In view of the aforesaid discussion, the writ petition is disposed of by permitting the petitioner to re-construct the records from the materials available, including the appeal dated 17.3.2021, which has been annexed as Annexure-II to the writ petition. The re-constructed records may be verified by the contesting parties and the matter be accordingly proceeded by the competent civil court as directed by this Court vide the order dated 21.11.2025.

9. The writ petition stands disposed of.

JUDGE

Comparing Assistant

CHECKED & VERIFIED

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