

Assam Rifles Multi-Purpose Co-Operative Society Ltd. and Another

Vs

Union of India and Another

Writ Petition No. 8227 of 1982

(CJI R. S. Pathak, Ranganath Misra JJ)

20.02.1987

ORDER

1. This application under Article 32 of the Constitution is by two petitioners - Assam Rifles Multi-purpose Co-operative Society Ltd. and a retired Major - General of the Indian Army who for some time was the Inspector General of the Assam Rifles. It has been claimed in this application that on the north-eastern extremity of India between the latitudes 27 and 28 and both side of longitude 97 within the former Tirup District within the NEFA area and now in Arunachal Pradesh lies a large territory which is a part of India where under the motivation supplied by petitioner 2 when he was Inspector-General of Assam Rifles, a programme for settling retired defence personnel, particularly from Assam Rifles had been undertaken. It is maintained that about 200 retired personnel with their families came to inhabit the area on the basis of a scheme approved by the Government of India. The scheme assured, as alleged, allotment of land, grant of title-deeds in respect of land allotted, facility for movement by air to and fro from Mohanbari, freedom to develop the allotted areas, grant of advances by way of loan, provision of marketing facility for disposal of surplus produce, guaranteeing supply of essential commodities, provision of basic requirements of life and extension of adequate encouragement for an all-round economic development of the area. The Co-operative Society was formed with the object of ameliorating the conditions of the settlers and for improving their economic lot. The petitioners have placed reliance on some correspondence between different authorities both of the State Government as also the Centre and have asked for directions from this Court to the respondents for grant of the reliefs indicated in the writ petition.

2. Two affidavits in opposition have been filed - one by the Government of India through a Deputy Secretary and the other by the Rehabilitation and Settlement Director of the Government of Arunachal Pradesh. Most of the assertions made by the petitioners have been denied in the counter-affidavits. Therein it has been contended that funds have been set apart and the basic facilities have been provided. It has been averred in counter-affidavits that as land was not allotted to petitioner 2, he not being entitled to the same as he did not belong to the Assam Rifles and the scheme was for rehabilitation of retired personnel from that Defence Unit, he has engineered this application. Petitioner 2 who appeared in person before us has categorically stated that he is no more interested in any personal allotment.

3. Admittedly there is a scheme formulated to regulate habitation in and improvement of the area. Having heard petitioner 2 and learned counsel for the respondents, we are of the prima facie view that habitation in this area should be encouraged. Territories of China and Burma about the area in question. It is contended that if the area is suitably inhabited by Indian citizens and is developed it would be in the interest of the country. The matter appears to have political overtones and in the absence of adequate material placed before the court we do not think it would be appropriate for us

to go into the matter and dispose it of as an ordinary dispute. On the other hand, it would in our view be expedient if the matter is directed to be disposed of by the Central Government.

4. The Central Government should nominate a competent authority, preferably an officer of the rank of Secretary, to examine the problem, look into the scheme and the correspondence, give an opportunity to the petitioners to be heard and on the basis of his report the Central Government would make an appropriate order keeping the grievances of the petitioners in view. We hope and trust that the authority nominated by the Central Government shall take to look into the matter with appropriate care and compassion. The matter should be disposed of within a total period of six months. When final orders are made by the Government of India, a copy thereof shall be sent to the Registry to be placed before us.

5. The writ petition is kept pending as prayed for on behalf of the petitioners and shall be listed on July 21, 1987.

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