

WP(C) No. 694 of 2018
BEFORE
HON'BLE MR. JUSTICE N. KOTISWAR SINGH

31.07.2018

Heard Mr. N Jotendro, learned Sr. Counsel assisted by Mr. Syed Murtaza, learned Counsel for the petitioners. Heard also Mr. Samarjit, learned GA, for the State.

In this petition, the petitioners have sought for a direction to the respondents to allow the petitioner to carry on agricultural activities. According to the petitioners, they all have been prevented from constructing their respective dwelling houses on the agricultural land to which effect that the authority had passed an order on 27.06.2018 but it did not prevent agricultural activities on the land. The petitioners state that in fact, their dwelling houses had been destroyed and burnt down by the authorities. It has been submitted by Mr. N Jotendro, learned Sr. counsel, that since the petitioners had been occupying the land for a long period of time, he may be allowed to continue the agricultural activities on the land.

However, Mr. Samarjit, learned GA stated that such an order may not be passed by this Court in view of the fact that a suit relating to the present land is pending before the Court of Civil Judge Jr. Division, Imphal West Manipur being Original Suit being O.S No 4 of 2018 in which the present petitioners are defendants.

Mr. N Jotendro, learned Sr. counsel submits that in the suit it has been also admitted by the plaintiffs themselves that the defendants, the present petitioners, are occupying the land for a long time.

From the submission and averments made it seems that the land on which the petitioners are praying for allowing agricultural

activities, is a disputed land. Whether the petitioners are really occupying or not or whether the plaintiffs therein had admitted that the present petitioners are in occupation of the suit land is a question of fact which is to be decided to the trial court and which can pass appropriate orders in that regard.

This Court is of the view that if any order is passed by this Court regarding the present suit land it may interfere with the proper adjudication by the trial court, which this Court is not willing to do so.

Accordingly, the petition is closed with liberty to the petitioners to approach the trial court below for seeking appropriate relief. As the petitioners are claiming that they have been illegally evicted and their dwelling houses have been destroyed and burnt down, they may approach the appropriate forum to claim compensation or damages as the case may be.

JUDGE

L. Gangte