

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

W.P. (C) No. 309 of 2013

Soibam Achou Singh aged about 45 yrs. S/o (L) S. Tomchou Singh by occupation cultivator and a resident of Kakching Wairi, P.O. & P.S. Kakching in Thoubal District, Manipur; **& Ors.**

..... Petitioners

- Versus -

The State of Manipur, represented by the Commissioner (Revenue), to the Government of Manipur at Imphal, 795001; **& Ors.**

..... Respondents

**With
W.P. (C) No. 264 of 2013**

Naorem Hemanta Singh, aged about 40 years, S/o. (L) N. Madhu Singh by occupation farmer and a resident of Kakching Ningthou Leikai P.O. & P.S. Kakching in Thoubal District, Manipur

..... Petitioner

- Versus -

The State of Manipur, represented by the Commissioner (Revenue), to the Government of Manipur at Imphal, 795001; **& Ors.**

..... Respondents

**With
W.P. (C) No. 265 of 2013**

Yengkhom Jivan Singh, aged about 36 years, S/o Y. Nabakishwor Singh by occupation farmer and a resident of Kakching Khullen Pagi Leikai P.O. & P.S. Kakching in Thoubal District, Manipur.

..... Petitioner

- Versus -

The State of Manipur, represented by the Commissioner (Revenue), to the Government of Manipur at Imphal, 795001; **& Ors.**

..... Respondents

With
W.P. (C) No. 300 of 2013

Huidrom Manglemba Singh, aged about 42 years S/o H. Tomba Singh, by occupation farmer and a resident of Kakching Irum Mapal, P.O. & P.S. Kakching in Thoubal District, Manipur

..... Petitioner

- Versus –

The State of Manipur, represented by the Commissioner (Revenue), to the Government of Manipur at Imphal, 795001; **& Ors.**

..... Respondents

With
W.P. (C) No. 301 of 2013

Wahenbam Sanjoy Singh, aged about 36 yrs. S/o W. Churamani Singh, by occupation Farmer and a resident of Kakching Irum Mapal, P.O. & P.S. Kakching in Thoubal District, Manipur; **& Ors.**

..... Petitioners

- Versus –

The State of Manipur, represented by the Commissioner (Revenue), to the Government of Manipur at Imphal, 795001; **& Ors.**

..... Respondents

With
W.P. (C) No. 302 of 2013

Khundrakpam Chaoba Devi, aged about 44 yrs., W/o (L) Kh. Biren Singh, by occupation Cultivator and a resident of Kakching Irum Mapal, P.O. & P.S. Kakching in Thoubal District, Manipur.

..... Petitioner

- Versus –

The State of Manipur, represented by the Commissioner (Revenue), to the Government of Manipur at Imphal, 795001; **& Ors.**

..... Respondents

With
W.P. (C) No. 308 of 2013

Kshetrimayum Kanta Singh, aged about 28 yrs., S/o Ksh, Manglemjao Singh, by occupation farmer and a resident of Kakching Khullen Irum Mapal P.O. & P.S. Kakching in Thoubal District Manipur; **& Ors.**

..... Petitioners

- Versus –

The State of Manipur, represented by the Commissioner (Revenue),
to the Government of Manipur at Imphal, 795001; **& Ors.**

..... *Respondents*

With

W.P. (C) No. 380 of 2013

Nongmaithem Sunil Singh, aged about 32 yrs, S./o (L) N.
Surchandra Singh by occupation cultivator and a resident of
Kakching Irum Mapal, P.O. & P.S. Kakching in Thoubal District
Manipur; **& Anr.**

..... *Petitioners*

- Versus –

The State of Manipur, represented by the Commissioner (Revenue),
to the Government of Manipur at Imphal, 795001; **& Ors.**

..... *Respondents*

With

W.P. (C) No. 381 of 2013

Nongmaithem Ibochou Singh, aged about 38 yrs., S/o (L) N.
Siton Singh by occupation cultivator and a resident of Kakching
Irum Mapal, P.O. & P.S. Kakching in Thoubal District Manipur.

..... *Petitioner*

- Versus –

The State of Manipur, represented by the Commissioner (Revenue),
to the Government of Manipur at Imphal, 795001; **& Ors.**

..... *Respondents*

With

W.P. (C) No. 382 of 2013

Senjam Tarubi Devi, aged about 33 yrs., W/o S. Romen Singh,
Nongmaithem Ibochou Singh, aged about 38 yrs., S/o (L) N.
Siton Singh by occupation cultivator and a resident of Kakching
Irum Mapal, P.O. & P.S. Kakching in Thoubal District Manipur.

..... *Petitioner*

- Versus -

The State of Manipur, represented by the Commissioner (Revenue),
to the Government of Manipur at Imphal, 795001; **& Ors.**

..... *Respondents*

**With
W.P. (C) No. 383 of 2013**

Pukhrambam Basanta Singh, aged about 34 yrs., S/o P.
Manibabu Singh by occupation cultivator and a resident of
Kakching Irum Mapal, P.O. & P.S. Kakching in Thoubal District
Manipur; **& Anr.**

..... *Petitioners*

- Versus -

The State of Manipur, represented by the Commissioner (Revenue),
to the Government of Manipur at Imphal, 795001; **& Ors.**

..... *Respondents*

BEFORE

HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR

For the petitioners	:	Ms. N. Debswari, Advocate Ms. Sapana Khaidem, Advocate
For the respondents	:	Mr. R.K. Umakanta, P.P.

Date of Order : 30.10.2018

ORDER

[1] Heard Ms. Debswari and Sapana Khaidem, learned counsel
appearing for the petitioners; as well as Mr. R.K. Umakanta, learned
Government Advocate for the respondents.

[2] The writ petitions have been filed challenging the impugned proceedings of the Directorate of Settlement and Land Records, Manipur passed by the Deputy Settlement Officer dated 26.02.2018. The impugned order is as follows:-

**"GOVERNMENT OF MANIPUR
DIRECTORATE OF SETTLEMENT & LAND RECORDS, MANIPUR**

No. 110/Allotment/(IND-NGO)/2011 DSLR

Dated, Imphal the 26th Feb. 2013

To

*Commissioner, Revenue
Government of Manipur.*

Subject: - Verification of land along Irum Turel under village No. 63-Kakching Wairi, Thoubal District.

Sir,

With reference to letter No. 21/70/2012-R dated 23rd Nov. 2012 and also the instruction given on 23rd Feb. 2013 in the meeting held in the office chamber of Hon'ble Minister, Revenue regarding the above subject, I have the honour to submit the position/information as detailed below:-

Whereas, the Irum Turel running from Kakching to Irengband is a small river/water channel having its own historical and economic importance.

Whereas, the water from this river is not only utilised for irrigation purposes (by way of lifting by pump sets) but is also utilized for purposes of water supply for drinking purposes etc. for the villages like Irengband settled in the downstream of this river channel. It is also the place for performing ceremonial function like Lai Ikouba of local diety/umanglai called Irum Ningthou.

Whereas, many people including the public representatives of the area have reported that in the recent past some people have encroached upon inside the area of this river/water channel particularly in the upstream in the Kakching side and these encroachers have started constructing houses toilets, piggery farms etc. thereby blocking the water channel and also polluting the water.

Whereas, Director/Settlement & Land Records was directed vide letter No. 21/70/2012-R dated 23rd Nov. 2012 to make an in-depth enquiry and submit a detailed report indicating the correctness/genuineness of the ownership of the land, etc.

Whereas, on detailed enquiry and field verification 41 Pattas (Annual Pattas) cover under CS DAG Nos. 45 were found to be inside the

area of the river/water channel. The details of the 41 Pattas & 45 Dag. Nos. are indicated below.

Details of AP Pattas

Sl. No.	Annual Patta (AP) Nos.	Dag. Nos.	Area in Acre	Classification of land
1.	2.	3.	4.	5.
1	24	76	1.55	Anganphou
2	12	82	.38	Anganphou
3	29	86	2.44	Anganphou
4	15	113	.30	Phourel
5	16	115	1.65	Phourel
6	17	209	.12	Ingkhol
7	19	245	1.00	Phourel
8	20	247	1.08	Phourel
9	29	249	1.32	Anganphou
10	22	277	.91	Anganphou
11	23	279	.58	Anganphou
12	24	280	1.91	Phourel
13	7	297	16.12	Phourel
14	5	299 300	.64 .57	Phourel
15	8	301	1.23	Anganphou
16	33	302	.94	Ingkhol
17	31	306	.84	Ingkhol
18	3	307	.84	Ingkhol
19	35	308	.75	Ingkhol
20	34	309	.77	Ingkhol
21	34	313	.27	Ingkhol
22	35	314	.26	Ingkhol
23	3	315	.24	Ingkhol
24	31	316	.18	Ingkhol
25	8	317	.25	Ingkhol
26	6	318 321	.61 .92	Phourel
27	18	322	.60	Phourel
28	10	324 357	3.26 .62	Phourel
29	32	333	.27	Phourel
30	13	334	1.14	Anganphou
31	22	335	.69	Anganphou
32	36	338	.15	Ingkhol
33	37	339	.15	Ingkhol

34	38	340	.22	
		341	.15	Ingkhol
35	37	342	.08	Ingkhol
36	36	343	.08	Ingkhol
37	46	355	3.44	Phourel
38	39	356	.52	Phourel
39	10	357	.62	Phourel
40	18	321	.92	Phourel
41	37	312	.13	Ingkhol

Whereas, for issue of Periodical (PP) a formal allotment order under Sub-Section (1) of Section 14 of Manipur Land Revenue & Land Reforms Act 1960 has to be issued and the allottees has to pay the premium fixed by the government. Only then, Periodical Pattas/Pattas are issued by the concerned department/authority.

Whereas, for the above Pattas/Dag Nos. referred above had no formal allotment order under Sub-Section (1) of Section 14 of Manipur Land Revenue & Land Reforms Act 1960 have been found issued and accordingly no premium/premiums was/were paid by the present land holders.

Whereas, under Manipur Flood Plain Zoning Act 1978 allotment of land to the individuals and construction/raising of structures in the river areas/inside the river is prohibited.

The verification of the land records were done by the AS & SO, Thoubal-II based on the Land Records of 1962-63 and present survey record of Village No. 63 Kakching Wairi-II.

Therefore, the land covers by the Patta Nos. & Dag Nos. mentioned/referred above is/are to be treated as State Sarkari Khasland.

Yours faithfully,

Sd/-

(Y. Kamala Devi)

Deputy Settlement Officer (Admn.) Manipur."

[3] The grievance of the petitioners is that while they have some pattas issued in their names, the stand of the respondents appear to be that no formal allotment order in terms of Sub Section 1 of Section 14 of the Manipur Land Revenue & Land Reforms Act, 1960, has been issued and no premium has been paid by the petitioners. Therefore, it is the case of unlawful encroachment

of public land and the land covered by the above patta number should be stated as State Sarkari Khasland. Aggrieved by this, the present writ petitions have been filed.

[4] Interim orders have been granted and is continuing as on today. Counter affidavits have been filed and the preliminary objection raised by the learned counsel for the State is that as against the impugned order, there is an effective and alternative remedy available to the petitioners before the Deputy Commissioner in terms of the Sub Section 3 of Section 11 of the of the Manipur Land Revenue & Land Reforms Act, 1960, which reads as follows:-

"11. Title of Government to lands, etc:

(3) Where any property or any right in or over any property is claimed by or on behalf of the Government or by any person as against the Government and the claim is disputed, such dispute shall be decided by the Deputy Commissioner whose order shall subject to the provision of this Act, be final."

[5] Since the issue raised by the petitioners, is disputed question of fact, more particularly, relating to claims on the basis of certain allotment which is disputed by the respondents, it would not be appropriate to decide the writ petitions on such disputed question of fact. On the contrary, the statute provides for an alternate remedy which has not been exhausted in the present cases. There is no reason for the petitioners to approach this Court directly.

[6] As a result, all the writ petitions are disposed of giving liberty to the petitioners to file appeal in terms of Sub Section 3 of Section 11 of the Manipur

Land Revenue & Land Reforms Act, 1960, and prosecute the same within a period prescribed for filing the appeal.

[7] The period during which the writ petitions were filed, and interim orders granted and pending before this Court, will not be counted for the purpose of limitation.

If no appeal is filed within the limit prescribed under the statute, then the authority is at liberty to proceed in accordance with law.

All the writ petitions stand disposed of as above.

CHIEF JUSTICE

FR/NFR

Sandeep