

IN THE HIGH COURT OF MANIPUR

AT IMPHAL

W.P. (C) No. 293 of 2018

R. Katangam, aged about 66 years, S/o Khangoulung of
Namthanjang Rongmei Village, Kangpokpi District, Manipur

... Petitioner

-Versus-

1. The State of Manipur, represented by the Commissioner/
Secretary (Revenue), Government of Manipur, P.O. &
P.S. Imphal
2. The Commissioner/ Secretary (Home), Government of
Manipur.
3. The Deputy Commissioner, Kangpokpi District,
Government of Manipur.
4. The Superintendent of Police, Kangpokpi District,
Manipur.

... Respondents

B E F O R E

HON'BLE MR. JUSTICE KH. NOBIN SINGH

31-07-2019

[1] Heard Shri Y. Nirmolchand, learned Senior Advocate
appearing for the petitioner and Shri Niranjana Sanasam, learned
Government Advocate appearing for the respondents.

[2] Facts and circumstances as narrated in the writ petition are,
that the petitioner has claimed to be the Chief of the Namthanjang
Rongmei Village, erstwhile Saitu Gamphazol Sub-Division, Senapati
District (now Kangpokpi District). On 15-02-2016, there was an incident
of inter-clash conflict among the villagers of the Namthanjang Rongmei

Village because of which five families including that of the petitioner were uprooted and they were compelled to leave the village taking shelter in some other places. In the said incident, houses, furniture, vehicles and other properties belonging to the petitioner's family and others were destroyed. The petitioner approached the authorities concerned for rehabilitation and resettlement of the displaced families including that of his but no appropriate steps were taken by the authority concerned. Accordingly, the petitioner was compelled to approach this Court by way of a writ petition being WP(C) No.495 of 2016 which was disposed of with the direction to dispose of his representation by the respondents therein. Thereafter, the petitioner approached the Hon'ble Chief Minister, Manipur by way of a representation dated 10-09-2017 in which the Hon'ble Chief Minister, Manipur directed the Deputy Commissioner, Kangpokpi to start the process for resettlement. A spot verification was conducted and a report thereof was submitted by the SDO confirming the displacement of five families including that of the petitioner but no appropriate steps were taken by the State Government for rehabilitation and resettlement of their families. Being aggrieved by the inaction on the part of the respondents, the instant writ petition has been filed by the petitioner.

[3] An affidavit on behalf of the respondent No.3, Deputy Commissioner has been filed wherein it has been stated that pursuant to the instruction given by him, the Superintendent of Police, Kangpokpi informed that necessary security personnel might be deployed at

Namthanjang Village to provide proper care and protection to the petitioner. But due to confrontation and adverse stand taken by the petitioner along with New Keithelmanbi Area Chief Association on the one hand and other villagers of the same village on the other hand, the resettlement process could not be carried out successfully. In view of the proposed resettlement of Namthanjang Village programme on 05-05-2017 by the New Keithelmanbi Area Village Chief Association and as requested by the S.P, Kangpokpi, an order was passed directing the SDC/Kangchup Geljang of Kanpokpi District to ensure that no untoward incident occur during the resettlement programme. There is no scheme for the Government of Manipur to compensate the victims or displaced families arising out of such inter-village clash.

[4] During the course of hearing, the learned counsel appearing for the petitioner has submitted that in terms of the provisions of Article 19(1)(e) of the Constitution of India, the petitioner and his family members are entitled to come back to village and settle therein. No one has any right to oppose it but the law and order problem being the State subject, it is the duty of the State Government to take measures to prevent the occurrence of any incident on their returning to their village. In support of his contention, he has relied upon the judgment and order dated 16-01-2018 passed by this court in writ petition being WP(C) No.651 of 2017 wherein this court passed the following order:

“55. For the reasons discussed above, this Court would unhesitatingly hold that when the petitioners were expelled/

banished from the village by the Village Authority of Leingangching village, it was not by any valid order. Hence, it was violative of Article 21 of the Constitution. Further, such expulsion and banishment of the petitioners from Leingangching village also violated the Fundamental Rights of the petitioners as guaranteed under Articles 19(1)(d) and (e) of the Constitution and hence, illegal. The petitioners have the fundamental right to reside and settle in Leingangching village in their respective residence/ homes in Leingangching village.

56. *This Court also for the reasons discussed above hold that the expulsion and banishment of the petitioners from the village by the Village Authority of Leingangching village, was also actuated by religious motive based on the village constitution which lays down that there shall not be any denominational activity dividing the existing religion of Baptise Christianity.*

57. *For the reasons discussed above, this Court holds that the aforesaid provision of the village constitution under Paragraph no.18 thereof that there shall not be any denominational activity dividing the existing religion, i.e., Baptist Christianity, is unconstitutional and hence illegal and void, being violative of Article 25 and 26 of the Constitution of India.”*

[5] The facts and circumstances of the said case are slightly different from that of the present in the sense that in the said case, the families of the petitioner therein were expelled from the village by the Village Authority but the observations made by this Court as regards the interpretation of the provisions of the Article 19(1)(e) of the

Constitution of India are relevant and this Court is bound by it. In the present case, due to the inter-clash conflict among the villagers of the Namthanjang Rongmei Village, five families including that of the petitioner were uprooted and they were compelled to leave the village taking shelter in some other places. Now, the petitioner and his family members would like to come back to the village and settle there.

[6] In an attempt to have an amicable solution to the issue involved herein through mediation, this Court referred the matter to the Member Secretary, Manipur State Legal services Authority for appointment of a mediator who shall explore the possibility of an amicable settlement outside the court and submit a report thereof to this court. But unfortunately, from the report of the mediator, it is seen that the parties have failed to come to an amicable settlement. Considering the submissions made by the counsel appearing for the parties, this Court is of the view that in terms of and relying upon the said decision of this Court as mentioned above, the instant writ petition stands disposed of with the following directions:

- (a) The respondents and in particular, the respondent No.3 & 4 shall verify and assess the atmosphere and the environment prevailing in the Namthanjang Rongmei Village to see as to whether the petitioner and his family members can return to the said village;

- (b) If the answer to the direction (a) above, is in the affirmative, the petitioner shall be informed about it so that he and his family members can come back to the village at an early date;
- (c) If the answer to the direction (a) is in the negative, the respondents shall take appropriate and immediate steps to ensure that the petitioner and his family members come back to their village within a period of six months from today.

JUDGE

Devananda