

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

W.P.(C)No. 834 of 2015

Shri Kakangam, aged about 62 years, S/o (Late) Lungrimang, a permanent resident of Keikao (Namkaoluang) Village, P.O. & P.S. and district Tamenglong, Chairmabn, Keikao (Namkaoluang) Village Authorities, Tamenglong District, Manipur.

....*Petitioner*

- Versus -

1. The State of Manipur represented by the Commissioner/Secretary (Revenue), Government of Manipur, Imphal Old Secretariat, Pin No. 795001.
2. The Commissioner/Secretary, Public Works Department, Government of Manipur, Imphal, Old Secretariat, Pin No. – 795001.
3. The Deputy Commissioner – cum- District Collector, Land Acquisition, Government of Manipur, Tamenglong District, Manipur Pin - 795001.

...*Respondents*

**BEFORE
HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR**

For the petitioner : Mr. A. Mohendro, Advocate

For the respondents : Mr. Shyam Sharma, Govt.
Advocate

Date of hearing & order : 31.05.2019

O R D E R

[1] Heard Mr. A. Mohendro, learned counsel appearing for the petitioner and Mr. Shyam Sharma, learned G.A. appearing for the

respondents.

[2] Prayer in the writ petition reads as follows :

“(ii) Issue a writ in the nature of mandamus or any other appropriate writ or order or direction directing the respondents to include the Keikao (Namkaoluang) village which was overlooked and left out by the respondents for construction and widening of National Highway – 37 as had been done in case of other similarly situated villages of the Tamenglong District (Annexure – A/5) and for giving adequate compensation to the villagers of the Keikao (Namkaoluang) village.

[3] Petitioner claims to be duly elected Chairman of the Keikao (Namkaoluang) village authority and represents the village of Keikao (Namkaoluang) village.

[4] Mr. A. Mohendro, learned counsel appearing for the petitioner pleads that Government of Manipur with the aid of the Ministry of Road Transport and Highways undertook construction and widening of the National Highway – 37 in the State of Manipur. Accordingly, the District Collector, Tamenglong wrote a letter dated 13th March, 2013 to the Commissioner (Revenue) for issuance of notification under Section 4 by invoking Section 17 of the Land Acquisition Act, 1894 in respect of 20 (twenty) villages of the Tamenglong District. Again on 22.03.2013 the District Collector, Tamenglong District wrote another letter for including 3 (three) villages namely, (i) Kaimai naga (ii) Kaimai Kuki and (iii) Tollen village.

[5] However, for the reasons best known to the State respondents the Tingjang village, which is now part of the Keikao (Namkaoluang) village pursuant to the order dated 30.09.1993 passed by

the Learned Sub-Divisional Magistrate, Tamenglong in Cril. Misc. Case No. 28 of 1993 have left out the Tingjang village through which the Milestone 101 to 104 Km. passed.

[6] Being aggrieved by such discriminatory treatment meted out to the petitioner's village, the petitioner who is the Chairman of Keikao (Namkaoluang) village submitted a representation dated 22.03.2013 to the respondent authority. But, the same has not been considered so far.

[7] Writ petition being W.P.(C) No. 429 of 20134 has been filed before the Hon'ble Court for directing the State respondents to include the Keikao (Namkaoluang) village which was overlooked and left out by the respondents while taking up process for land Acquisition Act, 1894 as had been done in the case of other similarly situated village of Tamenglong District. Accordingly, the said W.P.(C) No. 429 of 2013 has been disposed on 17.06.2013 directing the respondent authority to consider the claim of the petitioner.

[8] Pursuant to the order dated 26.09.2015, the Deputy Commissioner, Tamenglopng notified that the consequent litigation pending final disposal by the competent Court on land ownership issue between the Keikao (Namkaoluang) and Khongsang (Sangrung) village, to set aside the disputed portion from conducting survey work.

[9] Mr. Shyam Sharma, learned G.A. appearing for the respondents states that there is no bias on the part of the respondent authority in case of road widening. It is only because of the on-going dispute.

[10] In the present case, as fairly stated by the petitioner, if there is dispute, the authority will not be able to take a final decision. In any event, since long time has lapsed, the District Collector will have a re-look on the land acquisition proceeding, if the village in question is part of the road widening. Villagers may make a fresh representation in this regard and the same will be duly considered by the authority on its own merits.

[11] Considering the situation on facts, it is clear that there is no deliberate or intentional act on the part of the respondent authority more particularly, Collector, Land Acquisition to avoid the petitioner's village in the proceeding for road widening. Since it is a case of dispute between the villagers, the authority was justified in showing restraint. The on-going road widening process should not be stopped because of litigation between the parties.

[12] If the situation as stated by the petitioner has changed and the villagers have resolved their dispute, then a representation to include Keikao (Namkaoluang) village in the road widening of National Highway – 37 can be made. The authority will consider the representation or request on its own merit expeditiously.

[13] Accordingly, writ petition is disposed as above.

CHIEF JUSTICE

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