

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL
WP(C) No. 967 of 2015**

Shri Paonam Biren Singh, aged about 56 years S/o P. Achou Singh, a resident of Wangjing Wangkhei, P.O. Wangjing, P.S. Thoubal , Thoubal District, Manipur.

....*Petitioner*

- Versus –

1. The State of Manipur represented by the Secretary/Commissioner, Public Health Engineering Department.
2. The Chief Engineer Department, Public Health Engineering Department, Government of Manipur.
3. The Executive Engineer, Thoubal Division, Public Health Engineering Department, Government of Manipur.
4. The Assistant Engineer, Division No.II, Thoubal, Public Health Engineering Department, Government of Manipur.

.... *Respondents*

BEFORE
HON'BLE MR.JUSTICE MV MURALIDARAN
(Oral)

30.04.2019

[1] Heard Mr. Th. Tolpishak, learned counsel for the petitioner and Mr. K. Jagat, learned Government Advocate for the respondents. The writ petitioner has filed this writ petition seeking the prayers as follows:

“(i) Issue rule nisi calling upon the respondents to show cause as to why a writ in the nature of mandamus or any appropriate writ or direction in this regard shall not be issued as prayed for;

(ii) Issue a writ of mandamus directing the respondents to pay a sum of Rs. 23, 60,000/- for the acquisition of the homestead land belonging to the petitioner for the installing/commission of public hydrel.

(iii) Issue a writ of mandamus directing the respondents to dispose of the representation (Annexure A/5) within a specific period of time.

(iv) Cost of the litigation

(v) Issue any other appropriate direction or orders as the Honb'le Court deems fit and proper in the facts and circumstances of the case, in the interest of justice."

[2] It is the case of the petitioner that the petitioner's land was acquired by the respondent/Public Health Engineering Department, Government of Manipur but no compensation has been paid.

[3] It is also the case of the petitioner that on the day of acquisition of the land, the value of the said land was 23,60,000/-(twenty three lakhs sixty thousand).

[4] Therefore, for payment of the compensation, the petitioner approached the Chief Engineer, Public Health Engineering Department, Government of Manipur/respondent No.2 on 04.06.2015 by a representation requesting for payment of land compensation for the land acquired from the petitioner. But, even after the representation being submitted, the respondents have not considered his request for payment of compensation for acquirement of his land. Therefore, he approached this Court by filing this writ petition with the above prayers.

[5] Today, I have heard the learned counsel for the petitioner as well as

learned counsel for the respondents.

[6] Admittedly, the petitioner approached the second respondent/The Chief Engineer, Public Health Engineering Department, Government of Manipur on 04.06.2015 and presented a representation but no such representation was enclosed.

[7] This court is of the opinion that the petitioner may be directed to submit a representation to the respondents and the same will be considered by the respondent. When the petitioner filed this writ of mandamus without making any representation to the respondents seeking the prayers sought for in the writ petition, the petition itself is not maintainable. Anyhow, I am inclined to direct the petitioner to submit a representation to the respondents and the same should be considered by respondents by giving personal opportunity to the petitioner.

[8] In the above circumstances, I am inclined to pass the following orders:-

- (a) Writ petition is allowed.
- (b) The petitioner is directed to submit a representation within a period of two weeks from the date of receipt of a copy of this order to the respondents seeking request for payment of compensation.
- (c) On receipt of the said representation, the respondents No. 1 & 2 are directed to consider the petitioner's representation, if any, made by the

petitioner within a stipulated period of time as ordered by this Court and consider the same by giving personal opportunity to the petitioner and to pass an appropriate order within 8 (eight) weeks thereafter.

JUDGE

JOHN KOOM