

**IN THE HIGH COURT OF MANIPUR**

**AT IMPHAL**

**W.P. (C) No. 925 of 2017**

***The Paradise Youth Development Organisation***, a Registered Society registered under the Manipur Societies Registration Act, 1989 having its registered office at Naoremthong Laishram Leirak, Imphal, represented by its President Smt. L. Nilabati Devi, aged about 53 years, W/O Late L. Biramangol Singh, resident of Naoremthong Khullem Leikai, P.O. & P.S. Lamphel, District Imphal West, Manipur.

***... Petitioner***

***-Versus-***

1. The State of Manipur, represented by the Commissioner (Revenue), Government of Manipur.
2. The Director of Settlement and Land Records, Manipur.

***... Respondents***

***With***

**W.P. (C) No. 926 of 2017**

***The Lamphel Areas Unemployed Youth Organisation***, a Registered Society, being Regd. No. 69 of 1999 registered under the Manipur Societies Registration Act, 1989 having its registered office at Lamphel Sanakeithel, Imphal represented by its Secretary Shri L. Sarat Singh, aged about 55 years, S/O Late L. Nimai Singh of Thangmeiband Lourungpurel, P.O. & P.S. Imphal, District Imphal West, Manipur.

***... Petitioner***

***-Versus-***

1. The State of Manipur, represented by the Commissioner (Revenue), Government of Manipur.
2. The Director of Settlement and Land Records, Manipur.

***... Respondents***

**B E F O R E**  
**HON'BLE MR. JUSTICE KH. NOBIN SINGH**

For the Petitioners	::	Shri H.S. Paonam, Sr. Advocate; Shri Kh. Tarunkumar, Advocate
For the Respondents	::	Shri Lenin Hijam, Deputy AG
Date of Hearing	::	25/07/2019
Date of Judgment & Order	::	<b>31-07-2019</b>

**JUDGMENT AND ORDER**

[1] Heard Shri H.S. Paonam, learned Senior Advocate appearing for the petitioner in WP(C) No.925 of 2017; Shri Kh. Tarunkumar, learned Advocate appearing for the petitioner in WP(C) No.926 of 2017 and Shri Lenin Hijam, learned Deputy Advocate General appearing for the respondents in both the writ petitions.

[2] Since the above writ petitions have arisen out of a similar set of facts, the same are being considered and disposed of by this common judgment and order.

**WP(C) No. 925 of 2017**

[3.1] By the instant writ petition, the petitioner society has prayed for issuing a writ of certiorari or any other appropriate writ to quash and set aside the order dated 04/10/2017 issued by the Secretariat: Revenue Department, Government of Manipur cancelling the allotment order dated 06-05-2002.

[3.2] Facts and circumstances as narrated in the writ petition, are that the petitioner society is a society registered under the provisions of the Manipur Societies Registration Act, 1989. The petitioner society is

constituted by 47 (forty-seven) members who are the residents of Uripok, Naoremthong Khullem Leikai, Imphal and are agricultural workers earning their livelihood by doing agricultural works.

**[3.3]** On the request and representation made by the petitioner society and its members, the Government of Manipur, after due process, conveyed its approval for allotment of Government land measuring 19.0209 hectares covered by Dag Nos. 1249, 1256, 279 and 277 of Village No. 91(A)-Lamphelpat in exercise of powers conferred under Section 14(1) of the Manipur Land Revenue & Land Reforms Act, 1960 (hereafter referred to as “**the Act**”) read with Rule 18 of MLR & LR (Allotment of Land) Rules, 1962 (hereinafter referred to as “**the Allotment Rules, 1962**”) vide its letter dated 04/05/2002. Pursuant to and in terms of the said approval being granted by the State Government, the Directorate of Settlement & Land Records, Manipur issued an order of allotment dated 06/05/2002 in favour of the petitioner society subject to the terms and conditions mentioned therein. As per the terms and conditions of the said allotment, the petitioner society paid a premium of Rs.22,083/- vide receipt dated 13/05/2002. On realization of the premium, the deed of allotment was executed between the State Government represented by the Director of Settlement & Land Records, Manipur and the petitioner society through its president on 13/05/2002. After completion of the formality, a formal delivery of possession of the said land was made by executing the document for delivery of possession on 24/05/2002. After the said possession of the land having been delivered, the Directorate of Settlement & Land Records, Manipur prepared a Jamabandi showing the

name of the petitioner society as the recorded pattadar and possessor of the land. Thereafter, the land revenue was paid by it.

**[3.4]** However, to the utter shock and surprise of the petitioner society and its members, the State Government cancelled the approval of the Government for allotment of the said land on the ground that the said allotment order was issued due to misrepresentation vide order dated 05/06/2002. Being aggrieved by the said cancellation order dated 05/06/2002, the petitioner society challenged it before the Hon'ble Gauhati High Court, Imphal Bench by way of a writ petition being WP(C) No.695 of 2002 which was dismissed on 19/12/2011 and an appeal being WA No.2 of 2012 was preferred against the judgment and order dated 19/12/20011 of the learned Single Judge and the appeal was allowed with the following observation:

*"10. The State would be at liberty to issue a show cause notice to the Writ Petitioner in relation to the allotment of the land stating therein the proposed grounds for cancellation of the allotment of the land which according to them exist in the Case and after obtaining reply from the writ petitioner pass appropriate reasoned order in accordance with law without being influenced by any extraneous consideration."*

**[3.5]** In view of the above observation made by this Court, a show cause notice dated 16/11/2013 was served upon the petitioner society and on receipt thereof, the petitioner society submitted an application/representation dated 17/12/2013 to the Revenue Department, Government of Manipur requesting for furnishing copies of certain documents. However, the Revenue Department furnished only one document, namely

a letter dated 18/04/2016 enclosing therewith an order 23-10-1990. The petitioner society submitted another representation dated 18/07/2016 praying for furnishing copies of the remaining documents which were not furnished at all by the Revenue Department. But the State Government issued an order dated 04/10/2017 cancelling the order of allotment dated 06/05/2002 on the ground that the petitioner society failed to submit its reply to the show cause notice till then and that the land in question is part and parcel of the land transferred to the Agriculture Department for establishment of State Mechanized Farm.

**[3.6]** Being aggrieved by the said order dated 04/10/2017, the instant writ petition has been filed by the petitioner society on the inter-alia grounds that in the report dated 03/10/2016 submitted by the Director, Settlement & Land Record, Manipur, it is clearly stated that the said lands allotted to the petitioner society are not included in the area of land transferred to the Agriculture Department. Even in the Jamabandi prepared in the name of the Director, Agriculture Department, Government of Manipur, the lands allotted to the petitioner society are not included in the area transferred to the Director of Agriculture, Government of Manipur. The impugned order was issued by the State Government without an opportunity being given to the petitioner society as a result of which it suffered from non-application of mind. The main ground of cancellation of allotment order as stated in the impugned order dated 04/10/2017 is that no approval of the Cabinet Sub-Committee was obtained prior to the allotment of the said lands. The allotment order was issued by the Office of Directorate of Settlement & Land Records, even though it was signed by

the Deputy Settlement Officer (Administration) as empowered under the provisions of Section 6 of the Act.

[4] An affidavit on behalf of respondent No.1 has been filed wherein most of the averments made in the writ petition have been denied and in addition thereto, it has been stated that the allotment order dated 04/05/2002 was cancelled on the ground of misrepresentation of facts and in public interest. The allotment order was made by the Deputy Settlement Officer (ANM) without the knowledge and approval of the Director, Settlement & Land Records, Manipur as reported by the Director, Settlement & Land Records vide his letter dated 03/08/2002. The lands allotted to the petitioner society were found to be part of the land which had been transferred to Agriculture Department in 1968, as is evident from the Dag Chithas as confirmed on 25/09/1991. While making the said allotment, the State Government was clearly misled by the then Survey & Settlement Officer vide his report dated 08/05/2001 and letter dated 10/01/2002. The impugned order dated 04/10/2017 was issued after taking into consideration all the material documents and the relevant facts. In view of the contradiction with the earlier report submitted by the Director, Settlement & Land Records, Manipur, he was requested to re-inquire into the matter vide its letter dated 28/01/2017 followed by a reminder dated 13/08/2018. The allotment letter was issued by the Deputy Settlement Officer (ADM) without the knowledge and approval of the Director, Settlement & Land Records, Manipur. No approval of the Cabinet Sub-Committee was obtained prior to the allotment of the said lands to the petitioner society. The State Cabinet has already taken a decision on

18/12/2017 for transferring 351 acres of land occupied by various Government Departments and for allotting the same to the Water Resources Department, Government of Manipur for development of a Water Body.

**WP(C) No. 926 of 2017**

**[5.1]** By the instant writ petition, the petitioner society has prayed for issuing a writ of certiorari or any other appropriate writ to quash and set aside the order dated 04/10/2017 issued by the Secretariat: Revenue Department, Government of Manipur, by which the allotment order dated 27-04-2002 was cancelled.

**[5.2]** Facts and circumstances as narrated in the writ petition, are that the petitioner society is a society registered under the provisions of the Manipur Societies Registration Act, 1989. The petitioner society is constituted by 63 members who are the residents of Uripok, Naoremthong and Thangmeiband, Imphal and are agricultural workers earning their livelihood by doing agricultural works. The petitioner society and its members approached the Government of Manipur for allotment of lands measuring 9.9740 hectare for agricultural purposes.

**[5.3]** Acting upon the request and representation made by the petitioner society and its members, the Government of Manipur, after due process, vide its letter dated 26-04-2002 conveyed its approval for allotment of the said Government land measuring 9.9740 hectares covered by Dag Nos. 1252 of Village No.91(A)-Lamphelpat in exercise of powers conferred under Section 14(1) of the Act read with Rule 18 of the Allotment

Rules, 1962. Pursuant to and in terms of the said approval being granted by the State Government, the Directorate of Settlement & Land Records, Manipur issued an order of allotment dated 27-04-2002 in favour of the petitioner society subject to the terms and conditions mentioned therein. As per the terms and conditions of the said allotment, the petitioner society paid a premium of Rs.11,580/- vide receipt dated 03/05/2002. On realization of the premium, the deed of allotment was executed between the State Government represented by the Director of Settlement & Land Records, Manipur and the petitioner society through its president on 03/05/2002. After completion of the formality, a formal delivery of possession of the said land was made by executing the document for delivery of possession on 03/05/2002. After the said possession of the land having been delivered, the Directorate of Settlement & Land Records, Manipur prepared a Jamabandi showing the name of the petitioner society as the recorded pattadar and possessor of the land. Thereafter, the land revenue was paid by it.

**[5.4]** However, to the utter shock and surprise of the petitioner society and its members, the State Government cancelled the approval of the Government for allotment of the said land on the ground that the said allotment was issued due to misrepresentation vide order dated 05/06/2002 issued by the Commissioner (Revenue), Government of Manipur. Being aggrieved by the said cancellation order dated 05/06/2002, the petitioner society challenged it before the Hon'ble Gauhati High Court, Imphal Bench by way of a writ petition being WP(C) No.710 of 2002 which was dismissed on 19/12/2011 and an appeal being WA No.9 of 2012 was



preferred against the judgment and order dated 19/12/2001 of the learned Single Judge and the appeal was allowed with the following observation:

*"10. The State would be at liberty to issue a show cause notice to the Writ Petitioner in relation to the allotment of the land stating therein the proposed grounds for cancellation of the allotment of the land which according to them exist in the Case and after obtaining reply from the writ petitioner pass appropriate reasoned order in accordance with law without being influenced by any extraneous consideration."*

**[5.5]** Taking advantage of the above observation made by this Court, a show cause notice dated 14/11/2013 was served upon the petitioner society and on receipt thereof, the petitioner society submitted an application/ representation dated 17/12/2013 to the Revenue Department, Government of Manipur requesting for furnishing copies of certain documents. However, the Revenue Department failed to furnish them. But to the utter shock and surprise, the State Government issued an order dated 04/10/2017 cancelling the order of allotment dated 27/04/2002 on the ground that the petitioner society failed to submit reply to the show cause notice till then and that the land in question is part and parcel of the land transferred to the Agriculture Department for establishment of State Mechanized Farm.

**[5.6]** Being aggrieved by the said order dated 04/10/2017, the instant writ petition has been filed by the petitioner society on the inter-alia grounds that it is a fact that prior to the allotment of the land, it was shown to be State Khas land with the name of the petitioner society being recorded as possessor. It is clear from the Jamabandi prepared in the

name of the Director, Agriculture Department, Government of Manipur that the land allotted to the petitioner society is not included in the area transferred to the Director of Agriculture, Government of Manipur. The impugned order was issued against the order passed by this Court for the reason that it was issued by the State Government without assigning any reason and that too, without an opportunity being given to the petitioner society to file its reply as a result of which it suffered from non-application of mind.

[6] The stand of the respondent No.1 as indicated in its affidavit-in-opposition, is similar to that of the affidavit-in-opposition filed in WP(C) No.925 of 2017 and therefore, the same is not repeated here for the sake of brevity.

[7] The allotment of State khas land/ Government land is governed by the provisions of the Act and in other words, it is to be made under the provisions of the Act. This Act was enacted by the parliament while Manipur was a part-C State namely Union Territory. After Manipur having attained statehood, it is the Manipur Legislative Assembly which is competent to make laws as empowered by the provisions of Article 246 of the Constitution of India in respect of the matters enumerated in the List II- State List of the Seventh Schedule. The relevant provisions of the Act are as under:

*“2.(f) “Deputy Commissioner” means the Deputy Commissioner of the district and includes any officer appointed by the State Government to exercise and perform all or any of the powers and functions of a Deputy Commissioner under this Act;*

2. (i)(i) *Government'*, means the State Government.

5. **Deputy Commissioner and certain other revenue officers:**

(1) *Each district shall be placed under the charge of a deputy commissioner who shall be in charge of the revenue administration of the district and exercise the powers and discharge the duties of the deputy commissioner under this Act or any other law for the time being in force and shall exercise so far as is consistent therewith such other powers of superintendence and control within the district and over the officers subordinate to him as may from time to time be prescribed.*

6. **Settlement Officers:**

*The officers specified in terms (c), (f) and (g) of Section 4 shall have power to take cognizance of all matters connected with the survey of land and the settlement of revenue rates and the preparation and maintenance of land records and other registers and shall exercise all such powers and perform all such duties as may be prescribed by any general or special order of the State Government published in the official Gazette.*

14. **Allotment of land:**

(1) *The Deputy Commissioner may allot land belonging to the Government for agricultural purposes or for construction of dwelling houses, in accordance with such rules as may be made in this behalf under this Act, and such rules may provide for allotment of land to persons evicted under section 15.*

(2) *The State Government shall have power-*

(a) to allot any such land for the purpose of an industry or for any purpose of public utility on such conditions as may be prescribed, or

(b) to entrust the management of any such land or any rights therein to the Gram Panchayat of the village established under any law for the time being in force.

**26. Revenue Survey:**

*Whenever the State Government thinks it expedient so to do, it may, by notification in the Official Gazette, direct the revenue survey of any local area with a view to the settlement of the land revenue and to the preparation of a record of rights connected therewith or the revision of any existing settlement or record of rights.*

**166. Delegation of powers:**

*The State Government may, by notification in the Official Gazette, delegate to any officer or authority subordinate to him any of the powers conferred on him or on any officer subordinate to him by this Act, other than the power to make rules, to be exercised subject to such restrictions and conditions as may be specified in the said notification.”*

[8] In exercise of the power conferred by Section 168 of the Act, the Allotment Rules, 1962 came to be made and Rule 4 (i) thereof provides that subject to the provisions of sub-rules (2) and (3) allotment of land belonging to the Government shall be made in accordance with these rules. Various conditions to be fulfilled for purpose of allotment of Government land, have been prescribed in the Allotment Rules, 1962 and the order of preference to be followed by the Deputy Commission while allotting land belonging to the Government has also been laid down. But

since the provisions of the Allotment Rules, 1962 are not the subject in issue in the present cases, the same are not reproduced herein.

[9] The Deputy Commissioner is empowered under Section 14 of the Act to allot Government land for agricultural purposes or for construction of dwelling houses in accordance with the rules made under this Act. Before issuing any allotment order, a prior approval of the State Government shall be obtained from it. In other words, in order to make any allotment of Government land for agricultural purpose or for construction of dwelling house, a prior approval of the State Government is a must. As defined under Section 2(f) of the Act, the expression “**Deputy Commissioner**” means the Deputy Commissioner of the district and includes any officer appointed by the State Government to exercise and perform all or any of the powers and functions of a Deputy Commissioner. Every district is placed under the charge of a Deputy Commissioner who shall be in charge of the revenue administration of the district. In tune with or in line with the definition of the expression “**Deputy Commissioner**”, Section 166 provides for delegation of power and in exercise thereof, the State Government vide its order dated 23-10-1990 published in the gazette on 30-10-1990 delegated the power of the Deputy Commissioner, except in respect of those under Chapter 7, to the Director, Settlement and Land Records while the revenue re-survey in respect of the areas specified therein was/is going on or till the closing of the revenue re-survey.

[10.1] In fact, the subject matter in issue relates to the validity and correctness of the allotment orders dated 27-04-2002 and 06-05-2002 issued by the Deputy Settlement Officer (Administration), Government of

Manipur. The facts which are not in dispute between the parties, are that the petitioner societies and their members appear to have applied for allotment of lands. Although copies of such applications are not placed on record by either of the parties, the application filed by the petitioner society in WP(C) No.926 of 2017 has been referred to in the letter dated 20-12-2001 of the Survey & Settlement Officer, Manipur from which it is evident that the said letter dated 20-12-2001 was addressed to the Secretary (Revenue) by the Survey & Settlement Officer in his individual capacity as an officer and not as directed by his head of office. In respect of the petitioner society in WP(C) No.925 of 2017, a letter dated 10-01-2002 addressed to the Secretary (Revenue), Government of Manipur by the Survey & Settlement Officer, Manipur has been produced by the State Government wherein it is not indicated that the said letter was written by him as per the direction of his superior officer ie., the head of office who is the Director of Settlement & Land Records. On the strength of the said letters, the cases of the petitioner societies were considered by the State Government and the approvals were granted by it. Hardly a month later, the allotment orders dated 27-04-2002 and 06-05-2002 came to be cancelled vide order dated 05-06-2002 issued by the Commissioner (Revenue) on the ground of misrepresentation of facts in public interest.

**[10.2]** The said order dated 05-06-2002 was challenged before the Hon'ble Gauhati High Court, Imphal Bench in WP(C) No.695 of 2002 and WP(C) No.710 of 2002 which were dismissed on 19-12-2011 and the appeals being WA No.2 of 2012 and WA No.9 of 2012 preferred against it, were allowed by this Court on 03-06-2013 but a liberty was granted to the

State Government to issue a show cause notice before the cancellation of the allotment orders. Consequently, two show cause notices dated 13-11-2013 and dated 16-11-2013 were issued as to why the said allotment orders should be cancelled mainly on three grounds-one, it has been stated in the letter dated 03-08-2002 of the Director, Settlement & Land Records that all actions relating to the allotment order, the deed of allotment, delivery of possession, preparation and delivery of jamabandi etc. were done in favour of the petitioner societies without his knowledge and prior approval; two, the said lands had already been transferred to the Agricultural Department for establishment of a State Mechanised Farm vide letter dated 24-06-1968 and three, the Director, Settlement and Land records vide his letter dated 10-04-2003 stated that the Government was misled by then Survey & Settlement Officer vide his letter dated 10-01-2002 and report dated 08-05-2001 in the part-II of the application form for allotment for obtaining approval of the Government. Requests were made by the petitioner societies for furnishing copies of the said documents which were denied to them except a copy of the order dated 23-10-1990 furnished to the petitioner society in WP(C) No.925 of 2017. No reply by either of the petitioner societies was filed and accordingly, the impugned order dated 04-10-2017 was issued by the Commissioner (Revenue) with one more ground being added stating that no approval of the Cabinet Sub-Committee was obtained while allotting the said lands as mandated vide Government Order dated 09-09-1996.

**[11]** In the present cases, there are two aspects- one, on merit as to whether the allotment of the said lands in favour of the petitioner societies

had been made in accordance with the provisions of the Act and the rules made thereunder, in particular, the Allotment Rules, 1962 and two, a technical one as to whether the principles of natural justice have been violated by the State Government while cancelling the allotment orders, as copies of the documents as mentioned in the show cause notices were not furnished to them so as to enable them to submit their replies. So far as the first aspect is concerned, it is for the State Government to examine minutely whether the allotment of lands was made in accordance with law and after considering the replies filed by the petitioner societies, if the State Government is of the opinion that the allotment was not made in accordance with law, it is upto the State Government to take a decision either to withdraw the approval/ to cancel the allotment orders/ to take fresh steps for allotment in accordance with law as the case may be or instruct the authority concerned to do the needful depending upon the wisdom of the State Government. Bonafide mistake can always be rectified by the State Government provided it does not violate the right already accrued to a person. Error in law as regards the implementation of the provisions of a statute, will not confer any right upon any person because any action taken contrary to the law will be rendered void ab initio, in the sense that it will be illegal and no effect can be given thereto. Relying on the decision rendered by the Hon'ble Supreme Court in **State of Orissa & ors. Vs. Manglam Timber Products Ltd. & ors., (2004) 1 SCC 139**, it has been contended by Shri Kh. Tarunkumar, the learned counsel appearing for the petitioner in WP(C) No.926 of 2017 that the State Government cannot take advantage of its own omission. The facts of that case are not similar to that of the present cases. The principle that



the State Government cannot take advantage of its own mistake, may have an application to the executive actions taken by the State Government pursuant to a policy decision but will not apply to a case where the action taken is totally illegal as it being contrary to law. As regards the second aspect, it has been vehemently contended by the counsel appearing for the petitioner societies that the copies of the documents which were relied upon by the State Government, were not furnished to them. From the pleadings as aforesaid, their contention appears to be correct to that extent and only a copy of the order dated 23-10-1996 was furnished to the petitioner society in WP(C) No.925 of 2015. In a catena of decisions rendered by the Hon'ble Supreme Court, it has been laid down that the principles of natural justice cannot be put to straightjacket and its observance would depend upon the fact situation of each case. The extent of applicability of the principles of the natural justice depends upon the nature of the enquiry/ proceeding initiated against a person and the consequences that may visit the persons concerned. It is also well settled that if prejudicial allegations are to be made against a person, he must be given the particulars of that allegations so that he can prepare his defence. The rationale behind it, is that no one should be condemned unheard, in the sense that no one should be punished without an opportunity being given to him for explaining the allegations. In the present cases, the copies of the said documents ought to have been furnished to them before the impugned order was issued by the State Government.

**[12]** It may be noted that the copies of the documents which the

petitioner societies wanted to have so as to enable them to submit their replies, have been filed by the State Government along with its affidavit which may have been filed after serving copies thereof to the counsel appearing for the petitioner societies. The grievances of the petitioner societies are, in a sense, redressed by now as regards the supply of copies of documents and therefore, the instant writ petitions can be disposed of by directing the State Government to serve upon the petitioner societies a fresh show cause notice and on receipt thereof, the petitioner societies may file their replies to it. At this juncture, one point which the counsel appearing for the petitioners societies had emphasized, is relevant and needs to be considered and according to them, the Deputy Commissioner is the statutory authority to issue allotment order and if it is to be cancelled, the State Government lacks inherent jurisdiction to issue show cause notice, for which they relied upon the decision rendered by the Hon'ble Gaunati High Court, Imphal Bench in **Naorem Ibomcha Singh & ors. Vs. Joint secretary (Revenue), Government of Manipur, 2006(Suppl.) GLT 183**. The facts of that case are slightly different from that of the present cases and in that case, the allotment order was issued by the Deputy Commissioner but the show cause notice was issued by the State Government. In the present cases, the validity and correctness of the allotment orders are the subject matter in issue because the allotment orders were not issued by the Deputy Commissioner nor were they issued by the Director, Settlement & land records while the revenue re-survey was going on. But they were issued by the Deputy Settlement Officer without the knowledge of the Director, Settlement & Land Records as alleged by the State

Government. Moreover, in W.A No.2 of 2012, this Court, while allowing the said appeal on 03-06-2013, granted liberty to the State Government to issue show cause notice. Since the said order dated 03-06-2013 passed by this Court appears to have not been challenged by the petitioner societies before the Hon'ble Supreme Court, their contention that the State Government has no jurisdiction to issue show cause notice, has no substance at all. So far as the power of the State Government to cancel the allotment orders is concerned, this Court does express no opinion as it has not applied its mind on merits of the cases. It is for the State Government to examine it in consultation with its legal luminaries before any appropriate action is taken by it in order to obviate any litigation in future. The decision rendered by the Hon'ble Supreme Court in **Lalaram & ors. Vs. Jaipur Development Authority & ors., (2016) 11 SCC 31** and relied upon by the learned Addl. Advocate General, relates to the issue to be decided on merit and therefore, the same is not being referred to herein for consideration, as it can be done so as and when the matters are considered on merit.

**[13]** From the undisputed facts as aforesaid, the State Government appears to have added grounds from time to time for cancelling the allotment orders. On 05-06-2002 when the cancellation order was issued for the first time, the ground for cancellation was due to misrepresentation of facts and in public interest. While issuing the show cause notice dated 16-11-2013, three documents were relied upon by the State Government, none of the copies of which was furnished to the petitioner societies except a copy of the order dated 23-10-1990. In the impugned order dated 04-10-

2017, one more ground was added to the effect that no approval was obtained from the Cabinet Sub-Committee prior to the issuance of the allotment orders. Therefore, it is the right time for the State Government to apply its mind in all aspects of the matter and after collecting all the materials once and for all, fresh show cause notices may be served upon the petitioner societies. There will be no end to litigation, if the State Government keeps on adding grounds towards taking its stand. The copies of all the documents which are going to be relied upon by the State Government but have not yet been furnished to them either along with the affidavit or otherwise, shall be furnished to them. After the receipt of their replies, the State Government shall consider them and take a decision on merit. An appropriate and reasoned order shall be issued in accordance with law as directed by this Court on 03-06-2013 in W.A No.2 of 2012.

**[14]** For the reasons stated hereinabove and keeping in mind the facts and circumstances of the present cases, the instant writ petitions are allowed and consequently, the orders dated 04-10-2017 are quashed and set aside with the following directions:

- (a)** The State Government may serve show cause notices upon the petitioner societies, within a period of 30 (thirty) days from the date of receipt of a copy of this judgment and order, along with copies of all the documents which are relied upon by it;
- (b)** On receipt of the show cause notices, the petitioner societies may submit their respective replies within a period of 30 (thirty) days from the date of receipt of the show cause notice;

- (c) Within a period of 30 (thirty) days of the expiry of the period of 30 (thirty) days as mentioned in direction (b) above, the State Government shall take a decision and issue a reasoned order irrespective of whether their replies are submitted to it by the petitioner societies or not.

There shall be no order as to costs.

**JUDGE**

**FR / NFR**

*Victoria*

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