

**IN THE HIGH COURT OF MANIPUR**

**AT IMPHAL**

**W.P. (C) No. 289 of 2020**

1. ***Yumnam Biramadhup Singh***, aged about 72 years, S/o (L) Y. Natum Singh, a resident of Keirak Leirak Achouba, P.O. Kakching & P.S. Kakching, Kakching District, Manipur – 795103.
2. Thounaojam Nongyai Meitei, aged about 60 years, S/o (L) Th. Amuchou Singh, a resident of Keirak Leirak Achouba, P.O. Kakching & P.S. Kakching, Kakching District, Manipur – 795103.
3. Elangbam Irabot Singh, aged about 62 years, S/o E. Tombi Singh, a resident of Keirak Leirak Achouba, P.O. Kakching & P.S. Kakching, Kakching District, Manipur – 795103.

***... Petitioners***

**-Versus-**

1. The Director General, National Rural Road Agency (NRRDA), Ministry of Rural Development, Government of India 5<sup>th</sup> Floor, NBCC Tower, Vikaji Cama Place, New Delhi – 110066.
2. The State of Manipur represented by the Commissioner/ Principal Secretary / Secretary/ Additional Chief Secretary (RD & PR), Government of Manipur, Secretariat Complex, Babupara, Imphal West District, Manipur – 795001.
3. The Chief Engineer, Manipur State Rural Roads Development Agency (MSRRDA), Government of Manipur, Secretariat North Block, Babupara, Imphal West District, Manipur – 795001.

***.... Respondents***

**B E F O R E**

**HON'BLE MR. JUSTICE KH. NOBIN SINGH**

**19-06-2020**

[1] Heard Shri B. Prem Sharma, learned counsel appearing for the petitioner and Shri Niranjana Sanasam, learned Government Advocate appearing for the respondents.

[2] By the instant writ petition, the petitioners have prayed for issuing a writ of mandamus or any other appropriate writ to direct the respondents to dispose of the representation dated 14-02-2020 with regard to the construction of 50M span bridge at Wabagai Leirak Achouba, P.O. & P.S. Kakching, Kakching District, Manipur under PMGSY Scheme near the present Wooden Bridge across the Sekmai River.

[3] According to the petitioners, they are the residents of Wabagai Leirak Achouba, P.O. & P.S. Kakching, Kakching District, Manipur. The former Superintending Engineer, Executive Engineer and Section Officer of the Rural Engineering Department, Manipur proposed for construction of a 50M span bridge at Wabagai Leirak Achouba near the present wooden bridge under PMGSY. According to the Engineers, the best place for constructing of the said bridge is near the present wooden bridge, probably for the reason that appropriate place is available without affecting the pattadars who are residing near the place of wooden bridge.

[4] After the former Superintending Engineer (SE) has retired, the new officials without any application of mind, with some members of the local club called "Wabagai Keirak Leirak Achouba SWC" suggested another location for construction of the said bridge near the two Banyan Tree and also near the Community Hall/ Mandop, Club/Electric Transformer towards the Wabagai Leirak Achouba Approach Road. When the new site where the bridge was proposed to be constructed is identified, one of the locality namely, Shri Mayengbam Kullachandra Singh, aged about 73 years died due to heart attack, as he was disappointed with the proposed construction of the bridge at the new site affecting his land. According to the petitioners, new site where the bridge is proposed to be constructed, will harm and affect some parts of the playground, Community Hall/Mandop and Electric Tansformer which would be required to be shifted. The School Playground, Market Shed, School, Club, Library Hall cannot be used as usual when the required slope approaching the bridge is made. The School Playground is also used by the people for parking

when any marriage ceremony takes place. The playground has also produced many National Players in the past who have been practising there. Four Heritage old trees would also be affected when the bridge is constructed at the new site which will lead to spending more money than the requirement. Since the construction of retaining wall under the PMGSY Scheme is not entertained, the construction of the bridge at the new site will become a dangerous area because the water of the river will directly hit to the river bank of the area which is the place where the stream hits normally but during the rainy season, when the voluminous water surface increased, the river bank used to be broken with the result that the lives of innocent people might be in danger. With the construction of the bridge at the new site, the payment of compensation to the affected land owners would arise.

[5] Although the Site Plan of RED, Manipur for the construction of the said bridge at the new site has been published, the petitioners would like to request the authorities and in particular, the Chief Engineer, for reconsideration keeping in mind the feasibility, location, etc. The petitioners have been given to understand that some of the experts in the RED, Manipur who conducted Soil Test, had stated that the construction of the bridge at the initially proposed site would be better so that no further Soil Test and Weight Test would be required.

[6] Being aggrieved by the proposed construction of the bridge at the new site, the petitioners along with some other local people filed a representation/ application dated 14-02-2020 to the Chief Engineer, RED, Government of Manipur requesting him to take appropriate action for the construction of the said bridge at the place which had been initially chosen by the Government but the Chief Engineer, RED, Manipur appears to have taken no action in this regard and on the contrary, the Contractor and the RED, Manipur have forcibly brought materials, machines to start construction on 12-06-2020 which may become a dangerous place after

[4]

construction of the bridge. Hence, the instant writ petition has been filed by the petitioners.

[7] When the matter is taken up for consideration today, it has been submitted by Shri B. Prem Sharma, learned counsel appearing for the petitioners that the instant writ petition can be disposed of by issuing an innocuous order and accordingly, the instant writ petition stands disposed of with the direction that the respondents and in particular, the Chief Engineer, RED, Government of Manipur shall consider the representation dated 14-02-2020 submitted by the petitioners as quickly as possible preferably within a period of two weeks from the date of receipt of a copy of this order. The respondents and in particular, the Chief Engineer, RED is directed to stop the construction of the said bridge till the disposal of the said representation.

Copies of this order shall be sent to the learned counsels appearing for the parties through their WhatsApp/e-mail.

**JUDGE**

*Devananda*

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