

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

**WP(C) No.318 of 2020
(Through Video conference)**

Shri Pangambam Ibochouba Singh, aged about 46 years, S/o P. Khoidum Singh, a resident of Waithou Sangomshang, P.O. and P.S. Lilong, Thoubal District, Manipur – 795130.

.... *Petitioner/s*

- Versus –

1. The State of Manipur represented by Commissioner/Secretary (Revenue), Govt. of Manipur, Manipur Secretariat Complex, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.
2. The Deputy Commissioner/District Collector, Thoubal District, DC Office Complex, Thoubal, P.O. & P.S. Thoubal Manipur-795138.
3. The Director Settlement and Land record, Manipur, Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.
4. The Sub Divisional Officer, Lilong, P.O. & P.S. Lilong, Thoubal District, Manipur-795130.

.... *Respondent/s*

5. Shri A. Brajamani Singh, aged about 56 years old, S/o. (L) A. Kesho Singh, a resident of Waithou Sangomshang, P.O. & P.S. Lilong, Thoubal District, Manipur – 795130 C/o. Owner of the Stone Crushing Unit, Waithou.

.... *Private Respondent*

**BEFORE
HON'BLE MR. JUSTICE MV MURALIDARAN**

For the petitioner : Mr. N. Jotendro, Sr. Advocate

For the respondents: Mr. H. Samarjit, Ld. GA

Date of Hearing &

Judgment & Order : 28.09.2020

JUDGMENT & ORDER
(ORAL)

I heard Mr. N. Jotendro, Ld. Senior counsel for the petitioner and Mr. H. Samarjit, Ld. Government Advocate for the Respondent Nos.1 to 4 and there is no representation for the 5th private respondent even after issuance of notice.

2. The writ petitioner has filed the present writ petition seeking the prayers as follows:-

“ **PRAYER**

In view of the aforesaid facts and circumstances, it is therefore respectfully prayed that Your Lordships be pleased to:

- i) Issue rule and call for records;*
- ii) Issue a writ in the nature of certiorari or mandamus or any other writ of the like nature for quashing and setting aside the erroneous land compensation awarded in favour of Asem Brajamani Singh, S/o. (L) A. Kesho Singh by illegally putting his name inside the boundary of the Petitioner by carving out the said land without any authority of law as no one was allotted the land beyond **0.20 acres** originally around the Waithou Area and as per the field verification the present petitioner occupied **0.69 acres** and the petitioner have been paying taxes from time to time for the said area till date and the total area affected from the land of the petitioner is **0.26 acres** altogether i.e. **0.23 acres** (i.e. 0.0782 hectares) illegally entered in the name of A. Brajamani Singh without having any allotment order and wrongly awarded an amount of **Rs. 88,88,436/-** (Rupees eighty eight lakhs eighty*

*eight thousand four hundred and thirty six) only and 0.03 acres (i.e. 0.0125 hectares) as affected area of the present petitioner wrongly thereby awarded compensation of **Rs. 14,20,786/-** (Rupees fourteen lakhs twenty thousand seven hundred and eighty six) only and the petitioner in fact entitled to receive the entire amount of **Rs. 1,03,09,222/-** (Rupees one crore three lakh nine thousand two hundred and twenty two) only coupled with a prayer to restrain the further payment of **Rs. 59,00,000/-** (Rupees fifty nine lakhs) only in favour of Shri A. Brajamani Singh without the leave of the Hon'ble Court and also further direct to consider and dispose of the representations dated 14.11.2019, 22.11.2019 & 13.01.2020 respectively within a reasonable period;*

*iii) In the interim, not to disburse the land compensation amount of **Rs. 59,00,000/-** (Rupees fifty nine lakhs) only in favour of Shri A. Brajamani Singh without the leave of the Hon'ble Court;*

-AND-

iv) Pass any further order/orders, direction/directions which this Hon'ble Court may deem fit and proper to secure the ends of justice."

3. The case of the writ petitioner is that the petitioner was the allottee of a piece of land situated at Waithou Sangomshang having an area of 0.020 acres by an order dated 24.10.1985.

4. Thereafter, the Jamabandi has been prepared in his name and later on the area has been expanded by making survey by the concerned SDC, Lilong and expanded altogether having an area of 0.69 acres and Jamanbandi has been prepared being patta

No. 655 (old), 369 (new), covered by C.S. Dag No. 3132 having an area of 0.2811 hectares (0.69 acres). Since the allotment of the land, the petitioner regularly paid the Revenue for the said area of land occupied by him from time to time till date.

5. Similarly, the land of the private respondent No.5 namely Asem Brajamani Singh was also allotted originally in the name of his mother namely Asem Apabi Devi, W/o. Late A. Kesho of Waithou having an area of 0.020 acres only under Dag No.3079.

6. The further case of the petitioner is that the said Dag No.3079 has been clearly shown in the old map prepared in the year 1990 based on the original survey of 1960 wherein the Dag No. shown in favour of the said Asem Apabi Devi is 3079 and now, it was converted into 3277 and whereas the original Dag No. allotted in favour of the petitioner was 3076 which is now converted into 3132 and as such in any case the said Dag No. 3277 cannot come under Dag No. 3076/3132 and the same is glaring example of manipulation by the Revenue staff and until and unless the same is corrected, no land compensation should be given in favour of the said A. Brajamani Singh for an amount of Rs. 59,00,000/- (Rupees fifty nine lakhs) only out of Rs. 88,88,436/- (Rupees eighty eight lakhs eighty eight thousand four hundred and thirty six) only.

7. The further case of the petitioner is that due to expansion of

Indo Myanmar National Highway No.102, the land now possessed by the petitioner has been acquired by the competent authority/Revenue Department for expansion of the said National Highways and accordingly, the area to be acquired have been indicated in the notification issued by the competent authority. However, no actual notification has been furnished to this petitioner, but the affected area along with the calculated money have been given in respect of the affected pattadars. The area affected by the said acquisition is altogether 0.26 acres out of the area of 0.69 acres now occupied by the present petitioner. The said acquisition in the name of Shri A. Brajamani have been wrongly recorded inside the area occupied by the petitioner and the compensation to be awarded has been calculated in the tune of Rs. 88,88,436/- (Rupees eighty eight lakhs eighty eight thousand four hundred and thirty six) only for an area of 0.0782 hectares (i.e. 0.23 acres) and the area affected in respect of the present petitioner has been shown only 0.0125 hectares (i.e. 0.03 acres) and the amount calculated is only Rs. 14,20,786/- (Rupees fourteen lakhs twenty thousand seven hundred and eighty six) only. In fact the petitioner entitled to receive the entire amount of Rs. 1,03,09,222/- (Rupees one crore three lakh nine thousand two hundred and twenty two) only for the affected area of 0.0910 hectares (i.e. 0.26 acres) and as such the area needs to be examined.

8. Therefore, the petitioner had preferred the petitioner preferred a representation for rectification of the said error by an application dated 14.11.2019 for correction of the error made in the record. Further, another two representations were also preferred on 22.11.2019 and 13.01.2020.

9. The further claim of the petitioner is that the said Asem Brajamani Singh who is 5th Respondent is a good manipulator manipulating the entire land surrounded at the Waithou Sangomshang, Chaobok in connivance with the Revenue Staff thereby withdrawing the entitled compensation of the petitioner and also other pattadar namely Naorem Ongbi Leima Devi and as such the entire money taken by the said A. Brajamani Singh should be recovered and also the officials involved while releasing such compensation by manipulation should be booked and the same may be recovered under Sections 4 & 5 of the Manipur Public Servants' Personal Liabilities Act, 2006 read with Rule 4, 5 and 6 of the Manipur Public Servants' Personal Liabilities Rules, 2006 by constituting High Power Committee under Section 7 of the said Act and also Rule 7 of the said Rules within certain stipulated period so as to enable to deliver the said compensation to the entitled persons as the said A. Brajamani Singh has never possessed the said land by way of having genuine allotment in his favour.

10. The further case of the petitioner is that the petitioner has been occupying the aforementioned land as mentioned above for the last more than 35 years and paying Revenue Taxes from time to time and as such the petitioner is entitled to receive the entitled compensation for the affected area altogether 0.26 acres (0.0125 hectares i.e. 0.03 acres) and an area of 0.0782 hectares (i.e. 0.23 acres) now payment to be given shown in the name of A. Brajamani Singh by carving out from the land occupied by the present petitioner in connivance with the Revenue Staff and as such the remaining payment of Rs. 59,00,000/- (Rupees fifty nine lakhs) only out of Rs. 88,88,436/- (Rupees eighty eight lakhs eighty eight thousand four hundred and thirty six) only may not be given without the leave of the Hon'ble Court and a sum of Rs. 29,88,436/- (Rupees twenty nine lakhs eighty eight thousand four hundred and thirty six) only which have already been withdrawn by the said A. Brajamani Singh in connivance with the Revenue Staff and as such the said amount drawn by the said A. Brajamani Singh, who is the private Respondent No.5 in connivance with the Revenue Staff may be directed to recover under the Section 4 & 5 of the Manipur Public Servants' Personal Liability Act, 2006 read with Rule 4,5 & 6 of the Manipur Public Servants' Personal Liability Rules, 2006 by constituting High Power Committee under Section 7 of the said Act and also Rule 7 of the said Rules within certain stipulated period so as to enable to receive the same by the

petitioner who is the entitled owner of the said sum of Rs. 88,88,436/- (Rupees eighty eight lakhs eighty eight thousand four hundred and thirty six) only.

11. That it is respectfully submitted that unless the said payment of Rs. 59,00,000/- (Rupees fifty nine lakhs) only is restrained to be disbursed in favour of the said A. Brajamani Singh, who is the private respondent No. 5 herein, an irreparable loss and injury shall cause to the petitioner and as such the said money may not be disbursed in favour of the said A. Brajamani Singh, who is the private respondent No. 5 herein without the leave of the Hon'ble Court.

12. That it is also further respectfully submitted that unless a direction is given to the respondent Nos. 1 to 4 to re-examine the compensation awarded in favour of the petitioner and the private respondent No. 5, an irreparable loss and injury shall cause to the petitioner and as such till the entire affected area is re-surveyed the remaining land compensation amount of Rs. 59,00,000/- (Rupees fifty nine lakhs) only may not be given in favour of the said A. Brajamani Singh and a sum of Rs. 29,88,436/- (Rupees twenty nine lakhs eighty eight thousand four hundred and thirty six) only already withdrawn by the said A. Brajamani Singh in connivance with the Revenue Staff under respondents No. 1 to 4 may be recovered under the Section 4 & 5 of the

Manipur Public Servants' Personal Liability Act, 2006 read with Rule 4,5 & 6 of the Manipur Public Servants' Personal Liability Rules, 2006 by constituting High Power Committee under Section 7 of the said Act and also Rule 7 of the said Rules.

13. That it is respectfully submitted that on careful perusal of the said maps indicated at Annexure-A/6 (Series) above, it is quite clear that there is difference of 1,000 ft. approximately in between the said 2 (two) Dag Nos. i.e. Dag No. 3079/3277 now occupied by the said private respondent No. 5 namely Asem Brajamani Singh and the Dag No. 3076/3132 now occupied by the present petitioner and as such the said manipulation can be seen from the original map which has been manipulated with the help of the Revenue Staff and by comparing the two maps, it is vividly clear that there is a manipulation in the said map and the same can be shown at the time of physical verification and re-survey of the said area by the Revenue Staff and the petitioner is ready to explain the manipulation made by the Revenue Staff as the 2 (two) different maps are now in the custody of the present petitioner. Till such re-survey and re-verification is made by the competent authority/Revenue Staff, no further payment of Rs. 59,00,000/- (Rupees fifty nine lakhs) only may not be given in favour of the said A. Brajamani Singh and a sum of Rs. 29,88,436/- (Rupees twenty nine lakhs eighty

eight thousand four hundred and thirty six) only already withdrawn by the said A. Brajamani Singh in connivance with the Revenue Staff under respondents No. 1 to 4 may be recovered under the Section 4 & 5 of the Manipur Public Servants' Personal Liability Act, 2006 read with Rule 4, 5 & 6 of the Manipur Public Servants' Personal Liability Rules, 2006 by constituting High Power Committee under Section 7 of the said Act and also Rule 7 of the said Rules.

14. After waiting for a long time, the petitioner has approached this Court and filed the present writ petition before this Court seeking the above prayers.

15. On 02.07.2020, when the writ petition has been taken up for admission, Mr. N. Jotendro, Ld. senior counsel for the petitioner represented that though the representation was given on 22.02.2020, but the same is pending without passing any orders and the entitled compensation has been given to the 5th Respondent namely A. Brajamani with the connivance between the respondent No. 5 and the Revenue Staff. On that day, I have also heard Mr. H. Samarjit, Ld. Government Advocate who takes notice for the Respondent Nos.1 to 4. Therefore, the Petitioner was directed to take notice to the 5th respondent and directed the Registry to list the matter on 27.07.2020.

16. When the matter was taken on 24.09.2020, Mr. H. Samarjit, Ld. GA appeared for the Respondent Nos.1 to 4 and Mr. N. Jotendro, Ld. senior counsel for the petitioner reported that notice was sent to the 5th Respondent by way of Registered post, but no proof has been filed. Therefore, I directed Mr. H. Samarjit, Ld. GA to get instruction whether the representations given by the petitioners in this writ petition as well as in W.P.(C) No.319 of 2020 were disposed of or not and directed to post the matters on 28.09.2020.

17. When the matter is taken up today, i.e., on 28.09.2020, the Registry has put up a note by stating that notice was sent to the 5th Respondent by way of Registered post and the receipt was also filed by the writ petitioner, but no one appeared on behalf of the 5th respondent.

18. Therefore, I heard Mr. N. Jotendro, Ld. senior counsel for the petitioner and Mr. H. Samarjit, Ld. GA for the Respondent Nos.1 to 4.

19. Mr. N. Jotendro, Ld. senior counsel for the petitioner has represented that though the writ petition has been filed based on the representations given on 14.11.2019, 22.11.2019 & 13.01.2020, the respondents have not passed any order on the petitioner's representations dated 14.11.2019, 22.11.2019 & 13.01.2020 till date. Therefore, Mr. N. Jotendro, Ld. senior counsel for the petitioner represented before this Court that suitable direction may be issued to the

Respondent No.2 to pass appropriate order/s on the petitioner's representations dated 14.11.2019, 22.11.2019 & 13.01.2020 and till such time, the respondents should not proceed with the work.

20. I also heard Mr. H. Samarjit, Ld. GA for the respondents. On the instruction from the respondents' authority, Mr. H. Samarjit, Ld. GA for the Respondent Nos.1 to 4 represented that the representations given by the petitioner dated 14.11.2019, 22.11.2019 & 13.01.2020 are still pending and no order has been passed. Therefore, he seeks permission of this Court to grant time to dispose of the representations dated 14.11.2019, 22.11.2019 & 13.01.2020 given by the petitioner.

21. Without going into the merits and demerits of the case of the petitioner as well as the 5th respondent, I am inclined to pass orders by directing the Respondents to consider the petitioner's representations dated 14.11.2019, 22.11.2019 & 13.01.2020 and to pass appropriate order and till such time, status quo should be maintained.

22. Mr. H. Samarjit, Ld. GA for the Respondent Nos. 1 to 4 also agreed for the disposal of the petitioner's representations dated 14.11.2019, 22.11.2019 & 13.01.2020.

23. In the above circumstances, I am inclined to pass the following orders:-.

- i) this writ petition is disposed of;
- ii) the Respondent No.2 by namely the Deputy Commissioner/District Collector, Thoubal District, DC Office Complex, Thoubal District, DC Office Complex, Thoubal, Manipur is hereby directed to consider the petitioner's representations dated 14.11.2019, 22.11.2019 & 13.01.2020 and dispose of the same by giving personal hearing of the petitioner as well as the 5th respondent by namely Shri A. Brajamani Singh, aged about 56 years old, S/o (L) A. Kesho Singh, a resident of Waithou Sangomshang, Thoubal District, Manipur within a period of 4(four) weeks from the date of receipt of a copy of this order;
- iii) the respondents are directed to maintain status quo till the disposal of the above representations as directed by this Court.

24. Registry is directed to furnish copy of this order to both the parties.

JUDGE

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