

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

**WP(C) No.319 of 2020  
(Through Video conference)**

Naorem Leima Devi, aged about 82 years old, W/o L. Naorem  
Yaima Singh, a resident of Waithou Sangomshang, P.O. & 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 5<sup>th</sup> 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 by way of manipulation of map in connivance with the Revenue Staff 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 **0.20 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 **0.20 acres** and the same have been putting inside the **Dag No.3126 as 3495** by manipulating the entire map and withdrawn land compensation amount without showing any amount drawn by the said Asem*

*Brajamani Singh who is the private respondent No.5 herein coupled with a prayer to re-survey of land occupied by the present petitioner and till such re-survey is made the petitioner may not be evicted from the area occupied by her and also consider and dispose of the representation dated 22.02.2020 preferred by the petitioner to the District Collector, Thoubal District, Manipur within certain stipulated period;*

*iii) In the interim, direct the respondents to re-survey the land occupied by the petitioner and also direct to consider and dispose of the representation dated 22.02.2020 as available at **Annexure-A/6** above;*

*-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 at Nungei-11 (Waithou Sangomshang) by an order dated 24.10.1985.

4. Thereafter, the Jamabandi has been prepared in her name being patta No.604 (old), 1226 (new), covered by C.S. Dag No. 3077/3495 having an area of 0.09060 hectares (0.20 acres). Since the allotment of the land, the petitioner regularly paid the Revenue for the said area of land occupied by her 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 3077 which is now converted into 3495 and as such the map has been manipulated by the said Asem Brajamani Singh taking advantage of the land occupied by the petitioner and his adjacent. Accordingly, the entire land compensation which was supposed to be received by the present petitioner has been awarded in favour of the 5<sup>th</sup> Respondent by namely Asem Brajamani Singh.

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.

8. Therefore, the petitioner had preferred a representation dated 22.02.2020 for allowing to re-survey of her land covered by patta No.604 (New) and 616 (old), C.S. Dag No.3126 situated at No.17-Chaobok which is now enlisted in the Sl. No. 4 Asem Brajamani Singh, S/o Late A. Kesho of the Addition and Rectification list of Road Expansion of NH-102, sheet No.4 (Eastern Side of N.H.-102): as soon as possible.

9. The further claim of the petitioner is that the said Asem Brajamani Singh who is 5<sup>th</sup> 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 Pangambam Ibochouba Singh 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 0.20 acres, but due to the connivance between Asem Brajamani Singh and the Revenue Staff, the said Asem Brajamani Singh who is the 5<sup>th</sup> Respondent has withdrawn the said amount of land compensation and as such the said amount drawn by the said Asem Brajamani Singh, who is the private respondent No.5 in connivance with the Revenue Staff may be directed to recover 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, U/s 7 of the said Act and also Rule 7 of the said Rules within the stipulated period so as to enable to receive the same by the petitioner who is the entitled owner of the said land.

11. The petitioner in this regard has made a representation to the respondents on 22.02.2020 by narrating all the above facts and

requesting the authority particularly, the Respondent No.2 to consider the representation of the petitioner and make enquiry in respect of the connivance between Asem Brajamani Singh and the Revenue Staff and recover the amount as per 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 U/s 7 of the said Act and also Rule 7 of the said Rules of the said representation having been considered by the respondents for the reasons best known to them.

12. 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.

13. 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 entire compensation has been given to the 5<sup>th</sup> 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

5<sup>th</sup> respondent and directed the Registry to list the matter on 27.07.2020.

14. Thereafter, the matter has been listed on 24.09.2020 along with another writ petition in W.P.(C) No.318 of 2020.

15. 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 5<sup>th</sup> 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.318 of 2020 were disposed of or not and directed to post the matters on 28.09.2020.

16. 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 5<sup>th</sup> Respondent by way of Registered post and the receipt was also filed by the writ petitioner, but no one appeared on behalf of the 5<sup>th</sup> respondent.

17. 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.

18. Mr. N. Jotendro, Ld. senior counsel for the petitioner has represented that though the writ petition has been filed based on the representation given on 22.02.2020, the respondents have not passed



any order on the petitioner's representation dated 22.02.2020 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 representation dated 22.02.2020 and till such time, the respondents should not proceed with the work.

19. 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 representation given by the petitioner dated 22.02.2020 is still pending and no order has been passed. Therefore, he seeks permission of this Court to grant time to dispose of the representation dated 22.02.2020 given by the petitioner.

20. Without going into the merits and demerits of the case of the petitioner as well as the 5<sup>th</sup> respondent, I am inclined to pass orders by directing the Respondents to consider the petitioner's representation dated 22.02.2020 and to pass appropriate order and till such time, status quo should be maintained.

21. Mr. H. Samarjit, Ld. GA for the respondent Nos. 1 to 4 also agreed for the disposal of the petitioner's representation dated 22.02.2020.

22. 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 representation dated 22.02.220 and dispose of the same by giving personal hearing of the petitioner as well as the 5<sup>th</sup> 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 representation as directed by this Court.

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

**JUDGE**

*Larson*

**FR/NFR**

Yumkham  
am  
Rother

Digitally signed  
by Yumkham  
Rother  
Date: 2020.10.15  
15:20:29 +05'30'