

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

W.P. (C) No.352 of 2017

Ah Rohen Singh

...Petitioner/s

- Versus -

State of Manipur and 7 Ors.

...Respondent/s

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

ORDER

31.01.2020

[1] Heard Shri A. Bimol, learned senior Advocate appearing for the petitioner; Shri L. Raju, learned counsel appearing for the IMC and Shri Vashum, learned counsel appearing for the State respondents.

[2] According to the petitioner, he is the owner, possessor and pattadar of the homestead (shop site) under Patta No.219/881(old), 605/1365(new) covered by C.S. Dag No.XVII/239 measuring 0250 hectare, of village Number 87(A) of Khwai Bazar. After the shop buildings and other structures being constructed at the suit land, the same had been lent out to carry on occupation, trade and business as guaranteed under Article 19(1)(g) read with Article 300A of the Constitution of India. The case of the petitioner is that on 08.05.2017 at about 9:00 p.m, some officials of the State Government without following any due process of law and without giving any opportunity of being heard, started demolishing the shops building and other structure made thereon. Being aggrieved by the said action of the State Government, the instant writ petition is filed by the petitioner. An affidavit on behalf of respondent Nos.7 and 8 has been filed wherein it has been stated that

the issue as to whether the petitioner built his buildings(s) within his own land or on land with encroachment/ unauthorized occupation over Government land, should be decided by the authority concerned and not by the petitioner.

[3] But it is alleged in the affidavit that the said land belongs to State Government. Be that as it may, when the matter is listed today, it has been submitted by Shri L. Raju, learned counsel appearing for the IMC that the instant writ petition can be disposed of in terms of the order dated 06.08.2018 passed by this Court in writ petition being WP(C) No.352 of 2017 wherein this Court passed the following order:

“This petition has been resisted by the Respondents contending that no action has been taken for demolition of the private land of the petitioner till today and the authorities will not proceed for demolition if any, without following due process of law. It has been submitted by the Respondents that since there is no question of demolition, giving of opportunity to the Petitioner does not arise and hence, the present petition is premature and liable to be dismissed.

Mr. Modhuchandra, learned counsel for the Petitioner also submits that in view of the above stand of the government, the present petition can be closed with the direction to the state Respondents not to initiate any eviction process without following due process of law and also without giving adequate opportunity of being heard to the Petitioner.

Accordingly, in view of the above submissions made the present petition is disposed of. The Respondents authorities to follow the procedure laid down and take action in accordance with law and by giving opportunity of being heard to the petitioner in this event, the authorities intend to evict any encroacher and/or demolish and illegal structure” .

[3]

[4] Shri A. Bimol, learned senior counsel appearing for the petitioner has no objection to the petition being disposed of in terms of the said order but it has been submitted by him that a rider may be added in terms of the prayer (e) of the writ petition to which other side has no objection and accordingly, the instant writ petition stands disposed of in terms of the order dated 06.08.2018 with a rider that the respondents shall adopt due process of law showing their authority under the statutory provisions of law after proper demarcation followed by the principles of natural justice to uphold and preserve the Rule of law.

JUDGE

A.Surjit