

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

WRIT PETITION NO. 471 of 2021

1. Shri HL. Ngamhring, Chief of Beru Mollabung Village, aged about 78 years, S/o (L) HL Anghring, resident of Beru Mollabung Village, P.O. & P.S. Sugnu, Chandel District, Manipur-795127.
2. Shri HL Enoch Anal, Secretary of Beru Mollabung Village, aged about 30 years, S/o Shri HL. Ngamhring Anal, resident of Beru Mollabung Village, P.O. & P.S. Sugnu, Chandel District, Manipur-795127.

Petitioners

Vs.

1. The State of Manipur, represented by the Commissioner/Secretary (Revenue), Government of Manipur, Old Secretariat Building, P.O. & P.S. Imphal, Imphal West District, Manipur -795001.
2. The Deputy Commissioner/Collector, Chandel, P.O. & P.S. Chandel, Chandel District, Manipur-795127.
3. The Union of India, represented by the Secretary (Road Transport and Highways), Ministry of Road Transport and Highways, Government of India, Transport Bhavan, 1, Parliament Street, New Delhi-110001.
4. The Commander, 24 BRTF, C/o 99 APO, Lamphel, Imphal-795004.
5. The Commandant, 82 RCC, BRTF, Tengnoupal, C/o 99 APO

Respondents

**BEFORE
HON'BLE THE CHIEF JUSTICE MR. SANJAY KUMAR**

For the petitioners : Mr. RS Reisang, Sr. Advocate
For respondents No. 1 & 2 : Mr. N. Kumarjit, Advocate General, Manipur.
For respondents No. 3, 4, 5 : Mr. S. Kaminikumar, CGC

Date of Order : 16.07.2021

ORDER (ORAL)

[1] The Government of Manipur initiated land acquisition proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (*for brevity*, 'the Act of 2013'), in relation to 35.443 hectares of land in 11 (eleven) villages in Chandel District, State of Manipur, for construction/improvement of the Road from Km. 18.00 Chandel District to Km. 39.581 Khambathel. The Deputy Commissioner, Chandel, being the Collector (LA), quantified the compensation payable for the land acquired under Award dated 03.09.2019. Aggrieved by the quantum of compensation and the R & R measures provided therein, the petitioners in this writ petition submitted representations during December, 2019, to the Deputy Commissioner/Collector (LA), Chandel District, seeking enhancement of compensation in terms of Section 64 of the Act of 2013. They also claim to have submitted reminders thereafter in February, 2020, but to no avail. Complaining of inaction on the part of the competent authority in making a reference to the Civil Court under Section 64 of the Act of 2013 for enhancement of the land acquisition compensation and for payment of rehabilitation and resettlement compensation, the petitioners are before this Court.

[2] Section 64 of the Act of 2013 provides that any interested person who has not accepted a land acquisition award may, by written application to the Collector, require that the matter be referred by the Collector for determination of the authority as to his objections, be it as to the land measurement; or the amount of compensation; or the person to whom it is payable; or the rights of rehabilitation and resettlement; or the apportionment of compensation amongst the interested persons. The first *proviso* to the aforesaid statutory provision requires the Collector to make the reference to the appropriate authority within 30 days from the date of receipt of the application. The second *proviso* states that in the event the Collector fails to make a reference, the applicant may directly apply to the authority requesting it to direct the Collector to make the reference within a stipulated time.

It is therefore clear that the Collector is enjoined with the statutory duty to act upon the application submitted to him in terms of the aforesaid statutory scheme. If the application is not in keeping with the prescribed procedure, it would be incumbent upon the Collector to return the application stating the reasons therefor. In any event, it would not be open to the Collector to remain somnolent and unmoved after receipt of an application by an interested person under Section 64 of the Act of 2013.

[3] As the complaint of the petitioners is that the Deputy Commissioner/Collector (LA), Chandel District, has not taken any action whatsoever upon their representations/reminders, it would suffice in the interest of justice if a direction is given to the said authority to take appropriate action as it deems fit in terms of the statutory scheme within a time frame.

[4] Mr. N. Kumarjit, learned Advocate General, Manipur, appearing for the authorities, states that he has no objection to this course of action being adopted.

[5] The writ petition is accordingly disposed of directing the Deputy Commissioner/Collector (LA), Chandel District, to take appropriate and necessary action upon the representations/reminders submitted by the petitioners in relation to the Award dated 03.09.2019 in Land Acquisition Case No. DC(CDL)/4/B-3/CDL-KBL/14 within one month from the date of receipt of a certified copy of this order, under proper intimation to the petitioners.

No order as to costs.

CHIEF JUSTICE

Bidya