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Item No. 2

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

**WP(C) No. 343 of 2018
(Through Video Conferencing)**

1. Imran Kundan, aged about 40 years, son of Abdul Satar Kundan of Sora Awang Ching Wangma Leikai, at present Mantripukhri, P.O. Mantripukhri P.S. Heingang, Imphal East District, Manipur.
2. Md. Islamuddin, aged about 45 years, son of Md. Usmeil of Sora Mamang Leikai Nongsa Bazar, P.O. and P.S. Kakching, Thoubal District, Manipur.
3. Md. Wahajuddin, aged about 27 years, son of MV. Najeruddin of Moijing Thoubal Mayum Leikai, Moijing, P.O. and P.S. Thoubal, Thoubal District, Manipur.
4. Najima Begum, aged about 20 years, wife of Md. Ali Khan, P.O. Canchipur P.S. Singjamei, Imphal West District, Manipur.
5. Md. Tabbash Khan aged about 42 years, son of Md. Abdul Salam of Mantripukhri, P.O. Mantripukhri and P.S. Heingang, Imphal East District, Manipur.
6. Md. Azad Khan, aged about 38 years, son of Md. Tomba of Lilong Haoreibi,

P.O. and P.S. Lilong, Thoubal District,
Manipur.

7. Md. Esha aged about 43 years, son of late Md. Uzer Ali of Phundrei Sabal Leikai, P.O. and P.S. Thoubal, Thoubal District, Manipur.
8. Md. Meinul Haque, aged about 44 years, son of Abdul Haque, resident of Kshetri Makha Leikai, Kshetrigao, P.O. Porompat, Imphal East District, Manipur.

....Petitioners.

-Versus-

1. The State of Manipur, represented by:-
Principal /Commissioner Revenue,
Government of Manipur
Secretariat at Imphal-795001.
2. The Deputy Commissioner,
Imphal East District,
Government of Manipur, at Porompat-
795005.
3. The Superintendent of Police,
Imphal East District
Government of Manipur, at Porompat-
795005.
4. The Sub-Divisional Officer,
Porompat, Imphal East.

Government of Manipur at Porompat-795005.

5. The Officer-in-charge,
Heingang Police Station.
Government of Manipur-795002.

.... Respondents.

BEFORE
HON'BLE MR. JUSTICE M.V. MURALIDARAN

For the petitioners	::	None appeared.
For the Respondents	::	Mr. N. Kumarjit, AG Mr. P. Tamphamani, Jr.GA to AG
Date of Hearing and Judgment & Order	::	25.02.2022

JUDGMENT AND ORDER

This writ petition has been filed by the petitioners seeking a writ of mandamus directing the respondents not to disturb the peaceful possession of the petitioners and not to evict them from their respective patta lands without due process of law.

2. When the matter is taken up for hearing none appeared on behalf of the petitioners. Since the petition is of the year 2018, this Court heard the submissions of Mr.P.Tamphamani, learned junior counsel to Mr.N.Kumarjit, learned Advocate-General for the respondents.

3. The case of the petitioners, as could be seen from the averments set out in the writ petition, is that they are the recorded land owners and the Government has proposed to acquire their lands by direct purchase mode for construction of MLA quarters and State Guest Houses. According to the petitioners, no process has been taken up for land acquisition. However, on 26.3.2018, the officials of the State Government came to the land of the petitioners and dismantled the house constructed by one Md. Abdul Bark without following the due process of law. The said acts of the respondent State is arbitrary, discriminatory.

4. Resisting the writ petition, the second respondent filed affidavit-in-opposition stating that there is neither any record of eviction or any eviction order issued by the authority in respect of the petitioners and the officials were performing their duties in due process of law, especially under the provisions of The Manipur Conservation of Paddy Land and Wetland Act, 2014. It is stated that a Committee was formed to examine the proposal for acquisition/direct purchase of land from willing pattadars/land owners for construction of new State Guest House and Residential Complex for Ministers/Officials at Mantripukhri, Imphal East District and the Committee is to

negotiate rates of land and place the recommendation to the State Cabinet.

5. According to the second respondent, the Committee had also directed the SDO, Porompat to take views and to find out the rates, if purchased directly from the pattadars of the proposed area, as the SDO is also a member of the Committee. As such, a notice dated 5.1.2018 was served, but the same is not at all related with the present case. There was no discriminatory, bias and arbitrary action from the authorities concerned. There is no illegal occupation or forcible possession of the lands of the petitioners by the authority concerned and the officials were performing their duties in accordance with the Act and prayed for dismissal of the writ petition.

6. This Court considered the submissions made by learned counsel for the respondents and also perused the materials available on record.

7. The grievance of the petitioners is that without due process of law, the respondents are trying to acquire lands of the petitioners for construction of MLA quarters and State Guest House and the said act of the respondent authorities is arbitrary.

8. On the other hand, it is say of the respondents that there is no illegal occupation or forcible possession of the lands of the petitioners by the respondent authorities.

9. During the course of arguments, the learned counsel for the respondents submitted that a detailed affidavit has been filed and in paragraph 7 of the affidavit, the second respondent has categorically stated that as per Section 3 of the Manipur Conservation of Paddy Land and Wetland Act, 2014 [for short, “the Act of 2014’], there is prohibition of any activity for conversion or reclamation of paddy, except in accordance with the provisions of the Act. The learned counsel for the respondents has also placed reliance upon the order of the Deputy Commissioner dated 26.2.2018 to state that those who are found violating the Act of 2014 will be strictly dealt with as per the provisions of the Act.

10. The learned counsel for the respondents has also drawn the attention of the Court to the order dated 28.2.2018 passed by the SDO, Porompat. On a perusal of the same, this Court finds that the SDO informed the general public of Porompat Sub Division that those who are found violation of the Act of 2014 will be strictly dealt with as per the provisions of the Act. He has also submitted that if any eviction is processed, the same will be in accordance with the Act of 2014.

11. It is seen from the records that on 26.2.2018, the SDO, Porompat passed an order stating that it has been found that the agricultural land (Angannphou) under Patta No.135(Old) and 158/500(New) covered by C.S. Dag No.93 in area 0.78 acre of 30-Kshetrigao in the name of Md.Haji Abdul Halim, son of Haji Abdur Rahim of Kshetri Mayai Leikai was dug out for purposes other than cultivation and the above activity is in violation of the Act of 2014 and therefore, exercising the power conferred under Section 10(2)(b) of the Act of 2014, the SDO ordered the concerned pattadar to stop the above activity and restore the land to its original position immediately and failing to do so, will result in penalty under Section 18 of the Act.

12. According to the respondents, there is no illegal occupation or forcible possession of the lands of the petitioners and the respondents will proceed with the matter only by following due process of law. The alleged dispossession pleaded by the petitioners is also not supported by any material proof. None represented on behalf of the petitioners when the matter is called. If the respondents want to take action against the violators or evict them from the property, the exercise would be in accordance with law. If the respondents are intend to acquire the patta lands of either the petitioners or the other patta holders for construction of the MLA quarters or the State Guest Houses,

it should be only under the relevant Act and by following the due process of law.

13. In view of the above and taking note of the submission made by the learned counsel for the second respondent that the respondent authorities will take action only by following due process of law, the writ petition is disposed of with a direction to the respondents to act in accordance with law while undertaking the exercise of acquisition of land or of eviction from the land, as the case may be and after affording sufficient opportunity to the concerned persons. No costs.

14. Registry is directed to issue copy of this order to both the parties through their WhatsApp/email.

JUDGE

FR/NFR

Sushil