

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

CONT.CAS(C) No. 161 of 2019

1. Mr. S. A. Dearson @ A.S. Dearson aged about 50 years, S/o (L) Mr. S.A. Maringthuk @ A.S. Maringthuk.
2. Mr. HP. Son Shatsang @ A.S. H.P Son aged about 66 years, S/o. Mr. Hanshan @ Honsan.
3. Mr. Ruichumhao Hushuwo @ H. Ruichumhao aged about 66 years, S/o. (L) Phungnang Hushuwo @ H. Phungnang.
4. Mr. A.S. Mashivam @ Jackson Shatsang aged about 53 years, S/o. Mr. Khanao Hatsang @ A.S. Khanao.
5. Sailem Shangh aged about 40 years S/o. Mr. Haopa Singh @ S. Haopa.

*All are permanently residence of Huishu Village,
Chingai Sub-Division, Ukhrul District, Manipur –
795142.*

...Petitioners

- Versus -

1. Shri Rajiv Gauba, Secretary (Home), Ministry of Home Affairs, at North Block New Delhi – 110001, India. Email-ID: hshso[at]nic[dot]in, Phone No. 23092989, 23093031.
2. Shri Satyendra Garg, Joint Secretary (NE) at Room No. 109, North Block, New Delhi – 110001, Phone No.:- 23094648 (O), Email-ID:- jsne[at]nic[dot]in.
3. Shri Dr. Suresh Babu, IAS, Secretary (Home), Government of Manipur, Old Secretariat Building, Babupara, Imphal – 795001.
4. Mr. Joseph Pauline Kamson, the Deputy Commissioner, Ukhrul, Ukhrul District, Manipur P.O. & P.S. – Ukhrul – 795142.

***[Vide court's order dated 17-12-2021 passed in
MC(CONT.CAS(C)) No. 79 of 2021 the following
persons are impleaded as respondent Nos. 5 & 6.]***

5. Shri Ajay Kumar Bhalla, Secretary (Home), Ministry of Home Affairs, at North Block New Delhi – 110001, India. Email-ID : hshso[at]nic[dot]in, Phone No. 23092989, 23093031.

6. Shri Dr. Rajesh Kumar, Chief Secretary (Home), Government of Manipur, Old Secretariat Building, Babupara, Imphal – 795001.

...Respondents/Contemnors

B E F O R E
HON'BLE THE CHIEF JUSTICE MR. SANJAY KUMAR

For the petitioners : Mr. S. Thoi Thoi Meitei, Advocate
For the respondents : Mr. R.S. Reisang, Sr. Advocate; Mr. L. Raju, Advocate; Mr. Boboy Potsangbam, CGSC
Date of order : 31.05.2022

ORDER

[1] This contempt case was instituted alleging willful disobedience to the order dated 11-03-2019 passed by this Court in WP(C) No. 80 of 2019 and WP(C) No. 169 of 2011.

[2] By the said order, this Court took note of the grievances of the petitioners in the writ petitions that the authorities had not granted relief and rehabilitation packages in favour of the victims of the village, whose houses and granaries were burned down on 11-03-1996. The petitioners had also sought adequate compensation for the damage to their properties. This Court was of the opinion that it would be appropriate for the State and Central Governments to look into the issue, considering the nature of the incident and the long number of years that had elapsed since then. This Court accordingly disposed of the writ petitions, directing the authorities concerned to consider the issue individually on the basis of the facts presented and take a decision, preferably before 31-05-2019.

[3] Heard Mr. S. Thoi Thoi Meitei, learned counsel for the petitioners; Mr. R.S. Reisang, learned senior counsel, appearing for respondent No. 4; Mr. L. Raju, learned counsel for respondent Nos. 3 & 6; and Mr. Boboy Potsangbam, learned CGSC, appearing for respondent Nos. 1, 2 & 5.

[4] Mr. Boboy Potsangbam, learned CGSC, placed before the Court a copy of the letter dated 01-10-2021 addressed by the Deputy Secretary, Ministry of Home Affairs, Government of India, to the Special Secretary (Home), Government of Manipur. Therein, he referred to this contempt case and stated that the proposal put forth by the State Government for grant of ex gratia had been examined and facts had emerged to the effect that the operation carried out on 11-03-1996 was a military operation by the Assam Rifles personnel and that underground activists had attacked the village with incendiary ammunition, which resulted in the village being set on fire. According to the Deputy Secretary, there was no involvement of the Assam Rifles personnel in the destruction of the village and therefore, the losses and damages that occurred due to the fire were caused by the underground activists and not by the Assam Rifles. The Deputy Secretary accordingly concluded that the proposal of the State Government for grant of ex gratia and financial assistance for such damage could not be acceded to by the competent authority.

[5] Though the aforestated decision was taken by the Government of India long after the date contemplated by this Court, vide the order under consideration, the delay is not shown to be willful or deliberate. Further, the onset of the COVID-19 pandemic also has to be kept in mind. That being


so, this Court finds no grounds to exercise contempt jurisdiction in the case on hand. If the petitioners are aggrieved by the decision of the Government of India, it is for them to take recourse to appropriate remedies in accordance with law. Giving them liberty to do so, if so advised, this contempt case is closed.

No order as to costs.

CHIEF JUSTICE

Victoria

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