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

WP(C)No.813 of 2022

Shri. Ningtoulung Daimei aged about 77 years S/o Late Gaichangam Daimei, Ex-Officio Chairman, Pongringlong (Charoipandongba) Village Authority, Khangchup Geljang Sub-Division, Kangpokpi District Manipur.

.....Petitioner

– Versus –

1. The State of Manipur, Rep. by its Commissioner/Secretary(Revenue) Government of Manipur, Secretariat, North Block, Imphal West, Pin No.795001.
2. The Deputy Commissioner, Kangpokpi, Kangpokpi District, PO & PS Kangpokpi, Manipur Pin No.795129.

.... Respondent

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

JUDGMENT & ORDER
(Oral)

28.09.2022

[1] Heard Mr.D.Julius Riamei, learned counsel for the petitioner and Mr.H.Samarjit, learned Government Advocate for the respondents.

[2] By consent, the writ petition itself is taken up for final hearing at the admission stage.

[3] This writ petition has been filed by the petitioner to issue a writ of mandamus directing the second respondent to make payment of compensation towards the common land of Pongringlong Chaoreipandongba Village Saitu Gamphazol Sub-Division, Kangpokpi District to the petitioner, the Ex-Officio Chairman of the Village, in respect of acquisition of the land and awarding of compensation for widening of NH-37 (Imphal to Jiribam).

[4] The case of the petitioner is that the petitioner is the Ex-Officio Chairman, Pongringlong (Charoipandongba) Village Authority, a Village Authority constituted under Manipur (Village Authorities in Hill Areas) Act, 1956. The lis in respect of Chiefship or Khullakpa of Pongringlong village has a chequered history. By a common judgment dated 13.9.2019 in WP (C) No.934 of 2016 and WP (C) No.428 of 2015, this Court directed the respondents 1 to 3 to conduct an election for the Village Authority of Pongringlong Village in accordance with law. Pursuant to the direction, an election was conducted and the petitioner was declared as Chief/Khullakpa of Pongringlong Village vide

order dated 13.12.2019. The Government of Manipur, published the results in Manipur Gazette on 16.12.2019.

[5] Further case of the petitioner is that one Gainanichung Malangmei claiming himself to be the Chief/Khullakpa of the village challenged the order dated 13.12.2019 in WP (C) No.103 of 2020 and this Court by the order dated 11.2.2020 dismissed the said writ petition. Aggrieved by the same, Gainaichung Malangmei filed writ appeal along with application to condone the delay being MC (WA) No.70 of 2019 and the same was also dismissed by a Division Bench on 4.4.2022. Gainaichung Malangmei also filed W.A.No.12 of 2020 assailing the judgment dated 11.2.2020 and by the judgment dated 29.7.2022, the Division Bench dismissed the said appeal holding that this Court cannot recognize Gainaichung Malangmei as the Khullakpa of Pongringlong village and in consequence, the Ex-Officio Chairman of its Village Authority. As a corollary, the election of Ningtoulung Daimei as the Ex-Officio Chairman of Pongronglong Village Authority in the absence of Khullakpa cannot be held to be bad in law.

[6] According to the petitioner, in the meanwhile the land and other properties belonging to the villagers of Pongringlong (Charoipandongba) village in the stretch from 33 km to 49.250 km were sought to be acquired for public

purpose i.e. widening of NH-37 (Imphal to Jribam) and accordingly, the acquiring authority issued notification from time to time under the provision of National Highways Act, 1956. Consequent upon the notification under Section 3A of the National Highways Act, objections were made before the acquiring authority. Thereafter, a notification under Section 3D was issued wherein except for the private individual properties, the common land or other common properties of the village are surveyed, demarcated and assessed in the name of the petitioner by virtue of the petitioner being the Ex-Officio of the Village Authority.

[7] It is the plea of the petitioner that on 26.8.2022, the petitioner has submitted a representation requesting for payment of compensation towards the common or common properties of Pongringlong (Charoipandongba) Village to the Ex-Officio Chairman of the Village Authority. Despite the receipt of the representation, the same has not been considered till date, nor paid compensation amount for the common land of Pongringlong Chaoreipandongba Village Saitu Gamphazol Sub Division, Kangpokpi District to the petitioner. Hence, the writ petition.

[8] The learned Government Advocate appearing for the respondents submitted that if two months' time is granted to the respondents, they will ready to consider and dispose of the representation of the petitioner.

[9] Recording the submission made by the learned Government Advocate and without going into the merits of the matter, the writ petition is disposed of by directing the respondents to consider the representation of the petitioner dated 26.8.2022 and pass orders on merits and in accordance with law, after affording reasonable opportunity to all concerned, within a period of two months from the date of receipt of a copy of this order. No costs.

JUDGE

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