

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

**W.P. (C) No. 441 of 2017**

- 1. *Miuchampou Kahmei***, aged about 46 years, S/o Nambuanang Kahmei, Secretary of Sangrung/ Khongsang Village, Nungba Sub-Division, Noney District, Tamenglong, Manipur.
- 2. Mr. Kiungampou Gonmei**, aged about 40 years, Chairman, Sangrung/ Khongsang Village Authority of Nungba Sub-Division, Noney District, Tamenglong, Manipur.
- 3. Mr. Kilongdi Gonmei**, aged about 46 years, S/o Ajin Gonmei, Chairman, Sangrung (Khongsang) Village, Nungba Sub-Division, P.O. & P.S. Nungba, Noney District, Manipur-795147

***(...impleaded vide order dated 27-04-2021 in MC(WP(C)) No. 124 of 2020)***

***... Petitioner***

**-Versus-**

1. The State of Manipur represented by the Commissioner (Revenue), Govt. of Manipur, P.O. & P.S. Imphal, Imphal West District, Manipur.
2. Deputy Commissioner/ District Collector, Tamenglong, P.O. & P.S. Tamenglong, Tamenglong District, Manipur.
3. Deputy Commissioner/ District Collector, Noney, P.O. & P.S. Noney, Noney District, Manipur.
4. Zeiringkhon Kamei, aged about 50 years, S/o (L) Hupiuyang, a resident of Namkaolong (Keikao), Tamenglong District, Manipur, Special Power of Attorney Holder of 243 affected land owners of Namkaolong (Keikao) Village, Tamenglong, Manipur.
5. Shri Kakangam, aged about 62 years, S/o (L) Lungrimang, a permanent resident of Keikao (Namkaoluang) Village, P.O. & P.S. Tamenglong, Tamenglong District, Chairman, Keikao (Namkaoluang) Village Authority, Tamenglong District, Manipur.

***... Respondents***

**B E F O R E**  
**HON'BLE MR. JUSTICE AHANTHEMBIMOL SINGH**

For the Petitioners	::	Mr. N. Ibotombi, Sr. Advocate asstd. by Mr. T. Newmei, Advocate
For the respondents	::	Mr. Niranjana Sanasam, GA & Mr. Serto T. Kom, Advocate
Date of Hearing	::	<b>26-04-2023</b>
Date of Judgment & Order	::	<b>30-05-2023</b>

**JUDGMENT & ORDER**

**[1]** Heard Mr N. Ibotombi, learned senior counsel assisted by Mr T. Newmai, learned counsel appearing for the petitioners, Mr Niranjana Sanasam, learned GA appearing for the respondents No 1, 2 and 3 and Mr. Serto. T. Kom, learned counsel appearing for the private respondents.

**[2]** The main issue that arose for consideration in the present writ petition is about the dispute as to the persons to whom the amount awarded by the Collector for acquisition of land is payable. The present writ petition had been filed with the following prayers:-

- (i) To issue a writ in the nature of Certiorari for quashing the Award dated 07-04-2015 issued by the District Collector (LA), Tamenglong for giving compensation to the petitioner for acquiring land for constructing the road at 25 Km.-27 Km. and 29 Km.-32 Km. of Tamngnelong-Khongsang Road which comes under the Tingjang Village now owned by Khongsang villager under the ownership of the petitioners.
- (ii) To issue a Writ in the nature of certiorari for quashing the order dated 12-06-2017 issued by the District Collector (LA), Tamenglong for giving balanced compensation amount to the Keikao village for acquiring land for constructing the road at 25

Km.-27 Km. and 29 Km.-32 Km. of Tamenglong-Khongsang Road

- (iii) To issue a Writ in the nature of mandamus directing the District Collector (LA), Tamenglong to deposit the balanced amount of compensation to the reference Court for acquiring land for constructing the road at 25 Km.-27 Km. and 29 Km.-32 Km. of Tamenglong-Khongsang Road which comes under the Tingjang village now owned by Khongsang village under the ownership of the petitioners.

[3] The brief facts of the present case is that the State of Manipur acquired the land for construction of road at 25 Km.-27 Km. and 29 Km.-32 Km. at Khongsang-Tamenglong road in Tamenglong District. After following due process of law, the District Collector (LA), Tamenglong District issued an award dated 07-04-2015 in connection with the land acquisition in respect of nine villages including Namkaolong (Keikao) village. The dispute that arose in the present writ petition is with regard to the apportionment of the compensation amount or as to the persons to whom the said compensation amount or any part thereof is payable in respect of Namkaolong (Keikao) village. In the said award, the total compensation amount earmarked for payment in respect of Namkaolong (Keikao) village is Rs. 3,63,65,462.01/-. It is admittedly on record that out of the total amount of Rs. 3,63,65,462/-, an amount of Rs. 1,56,49,412/- had already been paid to the affected land owners as a first phase payment and there is no dispute with regard to such first phase payment. The dispute in the present writ petition is confined to the remaining amount of Rs. 2,07,16,050/- only.

[4] The case of the petitioners is that soon after passing of the compensation award dated 07-04-2015 by the District Collector (LA), Tamenglong District, the petitioner No. 2, in the capacity as Chairman of Khongsang (Sangrung) Village Authority/ Khunbu & land owner of Khongsang village, submitted an objection to the District Collector (LA), Tamenglong with a request for not releasing the compensation amount in respect of Namkaolong (Keikao) village on the ground that the dispute about the ownership of the acquired land in respect of Namkaolong (Keikao) village is pending before the Civil Court. Subsequently, the petitioner No. 2 again submitted an application dated 19-08-2016 to the District Collector (LA), Tamenglong District with a request for giving compensation amount lying in the custody of the District Collector in respect of the said Namkaolong (Keikao) village on the ground, inter alia, that the ownership of the acquired land belongs to his village.

[5] When the District Collector failed to take up any action in connection with the two applications submitted by the petitioner No. 2, the petitioner No. 2 approached this court by filing a writ petition being WP(C) No. 1049 of 2016 for redressing his grievances. The said writ petition was disposed of by this court by an order dated 21-12-2016 by directing the authorities to consider the representations submitted by the petitioner No. 2 with regard to the payment of compensation in accordance with law within a period of two months from the date of passing of the said order.

On the other hand, a writ petition being WP(C) No. 854 of 2016 filed by the respondent No. 4 in the present writ petition was disposed of by an order dated 01-03-2017 by directing the State respondents No. 1 and 2 to pay the rest of the amount of the award to the respondent No. 4 (who

was the petitioner in the said writ petition) along with interest to be determined by the Collector in terms of Section 34 of the Land Acquisition Act if admissible on proper identification and verification within a period of four weeks from the date of receipt of a copy of the said order.

[6] On having knowledge about the passing of the aforesaid order dated 01-03-2017 by this court in WP(C) No. 854 of 2016, the present petitioner No. 2 and another person approached this court again by filing a writ petition being WP(C) No. 279 of 2017 and this court after considering the earlier order dated 01-03-2017 passed by this court in WP(C) No. 854 of 2016, disposed of the said WP(C) No. 279 of 2017 by an order dated 19-04-2017. The operative portion of the said order reads as under:

**"6. Perusal of the aforesaid order dated 01.03.2017, passed by this Court in W.P. (C) No. 854 of 2016 also clearly shows the direction to the respondents to pay the rest of the amount awarded to the petitioner along with interest. In terms of section 34 of the Land Acquisition Act would be only if found to be admissible on proper identification/ verification. Thus, there was no direction by the Court to make payment to the petitioner therein straightaway but to do so only after making necessary identification/ verification and if found admissible.**

**Therefore, this Court is of the view that no prejudice will be caused to anybody if a direction is issued to the respondents authorities to consider the representation of the petitioners dated 19.08.2016 at Annexure-A/4 also at the time of considering the claim of the petitioner in W.P.(C) No. 854 of 2016.**

**With the above observations and direction, the present petition stands disposed of."**

According to the petitioners, a copy of the order dated 19-04-2017 passed by this court in WP(C) No. 279 of 2017 was furnished to the concerned authorities of the State Government including the District Collector, Tamanglong District under cover of a letter dated 24-04-2017 and

that the District Collector has knowledge about the existence of the order dated 19-04-2017 passed by this court.

[7] In purported compliance with the directions given by this court in the aforementioned writ petitions, the District Collector issued an order dated 12-06-2017 thereby rejecting the representation dated 19-08-2016 submitted by the petitioners and ordering that the remaining compensation amount is liable to be paid to the villagers of Namkaolong (Keikao) village as already indicated in the compensation award order dated 07-04-2015 was thereby released. The relevant portions of the said order are reproduced hereunder for ready reference:-

***“6. Whereas, in compliance of the Order dated 21-12-2016, the matter reflected in the representation dated 19-08-2016 submitted by Shri Kiungampou Gonmei has been looked into. However, it is found that nobody has challenged the Award Order dated 7<sup>th</sup> April, 2015 before any court. Until and unless any competent Court has cancelled the award given to the affected land holders, those persons whose names are listed are liable to receive as per law. And nobody has challenged Section 4, 6, 8 and 9 of the Land Acquisition Act, 1894 before passing any award. In the said Award, the compensation for road section of KM 25 to KM 27 and KM 29 to KM 32 (Tingjang Village) has been awarded to Keikao (Namkaolong) village and hence the representation lacks merit for consideration;***

***“7. Whereas, Shri Zeiringkhon Kamei of Keikao (Namkaolong) village has filed a Writ Petition No. 854 of 2016 before the Hon'ble High Court of Manipur against the State of Manipur, DC (LA), Tamenglong, Union of India and BRO through O.C. 83 RCC (GREF), and the Hon'ble Court has passed an Order on 01-03-2017 the content of which reads as follows, " this writ application is disposed of directing the respondents 1 & 2 to pay the rest of the amount of the award to the petitioners along with interest to be determined by the collector in terms of section 34 of the Land Acquisition Act if admissible on proper identification/ verification within a period of four weeks from the date of receipt of the copy of this order. Thus, this writ application stands disposed of" Unquote;***

***“8. Whereas, in compliance of the Hon'ble High Court's Order dated 01-03-2017, verification as per rules has been initiated***

*and it has come to the conclusion that the balance amount proportionate to the amount deposited with the undersigned by the Border Roads Organisation in respect of KM 25 to KM 27 and KM 29 to KM 32 (Tingjang Village) of Tamenglong-Khongsang road which is liable to be paid to the villagers of Keikao (Namkaolong) village as already indicated in the Compensation Award Order dated 07-04-2015 is hereby released. The compensation to be released is exclusive of interest as the claimants hereby had declared and submitted an affidavit that no interest in the balance amount would be claimed for;*

*“9. Whereas, it may be noted that this order is relating only to payment of compensation as per Award Order dated 07-04-2015 and in no case presently concerned with the title of ownership over the land in issue as it will be decided by the Hon’ble Court in due course of time.*

*This Order is given under my hand and seal on this day the 12<sup>th</sup> June, 2017.”*

Having been aggrieved, the petitioners approached this court by filing the present writ petition for redressing their grievances.

[8] I have heard the rival submissions advanced by the learned counsel appearing for the parties at length and also carefully examined the materials available on record. On careful examination of the order passed by the District Collector, it is clearly revealed that the District Collector rejected the representation dated 19-08-2016 submitted by the petitioner No. 2 without considering it on merit and only on the ground that the award dated 07-04-2015 passed by the District Collector (LA) was not challenged by anybody. The District Collector also ordered for releasing of the balance compensation amount in favour of the villagers of Namkaolong (Keikao) village only on the ground that such compensation amount was already indicated in the Award dated 07-04-2015 issued by the District Collector without at all deciding as to who is the real owner of the acquired land despite the claim made by the petitioner No. 2 in his representation dated

19-08-2016 that his villagers are the real owner of the acquired land. This factum is clearly supported by the observation made by the District Collector in his order dated 12-06-2017 to the effect that the said order was related only to payment of compensation as per Award Order dated 07-04-2015 and in no case concerned with the title of ownership over the land in issue.

[9] On examination of the impugned order dated 12-06-2017 passed by the District Collector (LA), Tamenglong District, this court is of the considered view that the District Collector totally over-looked the provisions of Section 30 of the Land Acquisition Act, 1894, wherein it is provided that when the amount of compensation has been settled under Section 11 and if any dispute arises as to the apportionment of the same or any part thereof or as to the person to whom the same or any part thereof is payable, the Collector may refer such dispute to the decision of the court. For ready reference, provisions of Section 30 of the Land Acquisition Act, 1894 is reproduced hereunder:-

***“30. Dispute as to apportionment. – When the amount of compensation has been settled under section 11, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof, is payable. The Collector may refer such dispute to the decision of the Court.”***

[10] In the present case, soon after issuance of the compensation award dated 07-04-2015 by the District Collector (LA), Tamenglong District, the petitioners submitted two representations dated 02-05-2015 and 19-08-2016 to the District Collector raising objection against the release of the



compensation amount in respect of Namkaolong (Keikao) village in favour of its villagers and for releasing the balance compensation amount in favour of the petitioners' villagers on the ground that they are the real owners of the acquired land. When the District Collector failed to take up any action in connection with the said representations, the petitioner No. 2 approached this court twice by filing two separate writ petitions and both the said writ petitions were disposed of by directing the authorities of the State Government including the District Collector (LA), Tamenglong District to consider the representations submitted by the petitioner No. 2 in accordance with law within a stipulated period. Even though this court also passed an order dated 01-03-2017 in WP(C) No. 854 of 2016 filed by the respondent No. 4 directing the official respondents to pay the rest of balance amount of award to the respondent No. 4 along with interest to be determined by the Collector in terms of Section 34 of the Land Acquisition Act, the same was made subject to proper identification/ verification and if found admissible. In my considered view, there was a clear case of dispute among the contesting parties as to who is the real owner of the acquired land or as to the persons to whom the compensation amount or any part thereof is payable. In such case of dispute, the District Collector ought to have referred such dispute to the concerned Civil Court for deciding such dispute as provided under Section 30 of the Land Acquisition Act, 1894, which the District Collector had failed to do in the present case. In my considered view, the act of the District Collector in passing the impugned order dated 12-06-2017 by bypassing or ignoring the provisions of Section

30 of the Land Acquisition Act, 1894 is ultra vires and not sustainable in the eyes of law. Accordingly, the impugned order dated 12-06-2017 passed by the District Collector (LA), Tamenglong District is hereby quashed and set aside. The District Collector (LA), Tamenglong District is further directed to refer the claims made by the parties in the present petition in connection with the balance amount of compensation in respect of Namkaolong (Keikao) village under the compensation Award dated 07-04-2015 issued by the District Collector (LA), Tamenglong District strictly in terms of the relevant provisions of law. The whole exercise should be completed within a period of two months from today.

With the aforesaid directions, the present writ petition is disposed of. Parties are to bear their own cost.

**.JUDGE**

**FR / NFR**

*Devananda*