

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

**WP(C) No. 69 of 2024**

ID Gambui & ors.

Vs.

Union of India & ors.

***... Petitioners***

***... Respondents***

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

**O R D E R**

**30-04-2024**

[1] Heard Mr. Serto T. Kom, learned counsel appearing for the petitioners, Mr. S. Vijayanand Sharma, learned senior panel counsel appearing for the respondents No. 1 and 4 and Mr. Niranjana Sanasam, learned GA appearing for the respondents No. 2 and 3.

[2] The brief facts of the present case is that the petitioners filed a representation dated 31-07-2023 to the Secretary (Ministry of Road, Transport and Highways), Transport Bhawan claiming for payment of adequate compensation to them for the private lands and other standing properties therein belonging to the petitioners, which were affected by the construction of NH-137. When the concerned authorities failed to consider and dispose of the said representation, the petitioners approached this court earlier by filing a writ petition being WP(C) No. 640 of 2023 for redressing their grievances. The said writ petition was disposed of by this court by an order dated 14-09-2023 by directing the Secretary (Ministry of Road, Transport and Highways), Government of India to consider the said representation dated 31-07-2023 submitted by the petitioners on its own merit and strictly in terms of the applicable law and to dispose of the same by issuing a speaking order within a stipulated period of three months from the date of receipt of a certified copy of the order.

In compliance with the said direction given by this court, the Ministry of Road, Transport and Highways issued an order dated 11-01-2024 thereby declining to grant any compensation as claimed by the

petitioners and by rejecting the said representation. Having been aggrieved, the petitioners approached this court again by filing the present writ petition assailing the said impugned order dated 11-01-2024 and also praying for issuing a direction to the respondent No. 1 to re-consider and dispose of the aforesaid representation dated 31-07-2023 submitted by the petitioners.

[3] Mr. Serto T. Kom, learned counsel appearing for the petitioners submitted that the ground or reason given by the authorities while rejecting the representation submitted by the petitioners are given at para. 13 of the said order, which reads as under:-

***“The claim of the petitioners, that the NOC were issued exclusively in respect of community/ village lands and not for private lands, is contrary to the records and facts as analysed hereinabove. The NOCs have been issued unequivocally and unambiguously with respect to the land or standing properties for the required width of road including the dumping area, be it community land or private land. In fact, it is very clear that the said lands have been transferred to NHIDCL on ‘Zero LA Compensation’ for construction of the road, to improve the connectivity in the said area.”***

[4] It has been submitted by the learned counsel appearing for the petitioners that the NOC relied on by the authorities while rejecting the representation confines to only lands and other properties belonging to the village and does not include the private lands belonging to the petitioners and that the village lands or standing properties for which compensation are being claimed by the petitioners are beyond the ambit of the said NOC. It has also been submitted by the learned counsel appearing for the petitioners that without holding any verification process, the authorities have rejected the said representation and as such, the learned counsel submitted that the impugned order is not sustainable in the eyes of law and the same deserves to be quash and set aside. The learned counsel further submitted that the respondents may further be directed to re-consider the said representation submitted by the petitioners after

holding the verification process with regard to the claims made by the petitioners.

[5] This court carefully examined the contents of the No Objection Certificate, which are enclosed as Annexure-A/1 to the present writ petition and which had been relied on by the respondent No. 1 while rejecting the said representation submitted by the petitioners. On perusal of the said No Objection Certificate, it is crystal clear that the No Objection Certificate is with regard to the space for the dumping area and for the first phase of the double lane. According to the learned counsel appearing for the petitioners, the said NOC cannot cover the private lands of the petitioners and the village authorities cannot act on behalf of the petitioners with regard to the lands and other standing properties belonging to the petitioners and such NOC cannot waive the right of the petitioners for claiming compensation for their private lands which has been affected by the construction of NH-137.

[6] On careful examination of the record, this court found that the authorities have rejected the representation submitted by the petitioners on the ground that No Objection Certificate has been given to them relinquishing any right of the individuals residing in the said village for claiming any compensation with regard to the lands and standing properties for the required width of the road including the space for the dumping area for the first phase of the double lane with paved shoulders.

[7] In my considered view, the authorities have based their decision on the basis of the said NOC and this court find no infirmity in the reason given by the authorities. If it is the case of the petitioners that the said NOC given by the Chairman or Secretary of the Village authorities are not binding to the petitioners with regard to their right for claiming compensation of the lands and standing properties belonging to the petitioners, which has been affected by the construction of the NH-137, they can file appropriate proceeding claiming for such compensation in the appropriate forum by establishing their right and title. In the present case,

as the petitioners have only prayed for quashing the impugned order rejecting their representation and for issuing a direction to re-consider the representation submitted by them and as this court did not find any infirmity in the impugned order, this court is not inclined to grant the relief sought for in the present writ petition. Accordingly, the present writ petition is hereby dismissed. It is, however, made clear that rejection of this writ petition will not bar the petitioners for claiming compensation for the lands and standing properties belonging to them in accordance with the procedure established by law.

**JUDGE**

*Devananda*

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

**MC(WP(C)) No. 41 of 2024**  
**(Ref:- WP(C) No. 69 of 2024)**

ID Gambui & ors.

***... Petitioners***

Vs.

Union of India & ors.

***... Respondents***

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

**O R D E R**

**30-04-2024**

In view of the order passed today in the connected writ petition,  
the present application stands closed.

**JUDGE**

*Devananda*