

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

WP(C) No. 136 of 2019

Thokchom Prabeshwor Singh; & Ors.

Petitioners

Vs.

State of Manipur; & Anr.

Respondents

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

13.12.2023

Heard Mr. Ajoy Pebam, learned counsel appearing for the petitioners and Mr. Niranajan Sanasam, learned Government Advocate appearing for the respondents.

The present writ petition has been filed with a prayer for quashing and setting aside the impugned public notice dated 22.01.2019 issued by the Deputy Commissioner, Kakching District. The said notification is reproduced hereunder for ready reference:-

**"GOVERNMENT OF MANIPUR
OFFICE OF THE DEPUTY COMMISSIONER
KAKCHING DISTRICT
PUBLIC NOTICE
Kakching, the 22nd January, 2019**

No. 08/04/2017-DC-KCG: Whereas, compensation amount for standing property has been credited to the accounts of affected persons by electronic transfer in connection with the expansion of the NH-102;

And whereas, the estimates prepared by the PWD, Manipur includes 10 % contractor's profit which must not be transferred but has been erroneously transferred to the individual accounts by the undersigned;

Therefore, all such persons who have received compensation for standing property are directed to refund 10 % of the received amount by a cheque payable to the Deputy Commissioner, Kakching or by electronic transfer (District Collector LA Kakching, account No. 36959993183 of SBI, Kakching). The amount must be refunded within

15 days of this notice falling which the undersigned will initiate legal action and use all means necessary to recover the amount.

Pkak 0630/23

*Sd/-Neilanthang Tellen
Deputy Commissioner
Kakching District."*

The case of the petitioners is that in connection with the expansion of National Highway No. 102, (Imphal-Moreh), the authorities acquired the land belonging to the petitioners by way of direct purchase. In the process of the acquisition, the authorities give separate compensation amount for the standing property belonging to the petitioners. The authorities after proper verification and calculation have already given the compensation amount to the petitioners and the petitioners have already received the same.

Subsequently, the Deputy Commissioner, Kakching District, issued the impugned public notice thereby directing all the persons who have received compensation for standing property to refund 10% of the total amount for the standing property on the ground that while preparing the estimate by the PWD, Manipur, they have included 10 % as contractor's profit, which is required to be refunded by the petitioners and other affected land owners.

Mr. Ajoy Pebam, learned counsel appearing for the petitioners submitted that in the estimate prepared by the Addl. Chief Engineer-III, PWD, Manipur, which has been submitted to the Additional Chief Secretary (Works), Government of Manipur, under cover of a letter dated 16.04.2018 (Annexure-R/3) to the counter affidavit, it is clearly mentioned that the 10 % for contractor's profit of the total amount of Rs. 5,18,76,499/-, which is the amount for the standing properties are to be deducted. Accordingly, an amount of Rs. 51,87,650/- being the 10 % of the total compensation amount for the standing property have already been deducted and as such, the total amount for the standing property due payable to the affected land owners, including the present petitioners is Rs. 4,66,88,849.00/- only.

On the basis of the said estimate submitted by the Addl. Chief Engineer-III, PWD, Manipur, the Government has sanctioned the compensation amount and the petitioners and other affected land owners have received an amount of Rs. 4,67,57,756/- as compensation for the standing property.

The learned counsel appearing for the petitioners submitted that this total amount for the standing property has been calculated after deducting the amount of 10 % of the total compensation amount and as such there is no basis or ground for issuing the impugned order. The learned counsel strenuously submitted that the petitioners have not received any excess payment.

Mr. Niranjan Sanasam, learned Government Advocate appearing for the respondents submitted that on several occasions, he had requested to give instructions from the authorities as to whether the 10 % contractor's profit has been deducted while preparing the estimate for the standing properties, however, despite his best effort, the respondents have not given any instructions and as such, the learned Government Advocate submitted that any appropriate order may be passed by this Court after examining the materials available on record.

I have heard the rival submissions advance by the learned counsel appearing for the parties at length and also carefully examined all the materials on record. On careful examination of the estimate prepared by the Addl. Chief Engineer-III, PWD, Manipur, for the purpose of acquisition of the land including the standing properties belonging to the affected land owners, it is clearly mentioned that a sum of Rs. 51,87,650/- which is the 10% contractor's profit of the total amount of compensation for the standing property had already been deducted and that the petitioners and other affected land owners received the amount of Rs. 4,66,88,849.00/- only as the compensation of their standing properties.

On careful examination of the records of the present case, this Court also found that the total amount for the standing property have been given to

the petitioners after deducting the 10 % for contractor's profit and as such, this Court did not find any ground or reason to come to the conclusion that the total amount received by the petitioners and other affected land owners include 10 % contractor's profit. Accordingly, this Court is of the considered view that the authorities have issued the public notice without any justification or ground.

In view of the above, this Court hereby quashed and set aside the impugned public notice dated 22.01.2019 in respect of the present petitioners.

The present writ petition is accordingly disposed of. Parties are to bear their own costs.

Sapana

JUDGE