

Item No. 3

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

WP(C) No. 126 of 2023

1. Ningthoujam Brajamohon Singh, aged about 65 years, S/o.
(L) Babu Singh of Heirok Khunou/Heirok Part-II Ningthoujam
Leirak, P.O. Wangjing, P.S. Heirok, Thoubal District,
Manipur-795148 & 78 Ors.

...Petitioners

- Versus -

1. State of Manipur represented by Commissioner (Revenue),
Government of Manipur, Secretariat South Block, P.O. &
P.S. Imphal, Imphal West District, Manipur-795001 & 4 Ors.

...Respondents

BEFORE
HON'BLE THE ACTING CHIEF JUSTICE MR. MV MURALIDARAN
13.02.2023

[1] Heard Mr. Ch. Momon, learned counsel for the petitioners
and Mr. O. Ratan Kumar, learned Deputy GA who takes notice for the
State respondents.

[2] Mr. Momon, learned counsel for the petitioners
represented that there was an order passed on 6th July, 2013 which
reads as follows :

“GOVERNMENT OF MANIPUR SECRETARIAL REVENUE
DEPARTMENT

NOTIFICATION

Imphal, the 6th July, 2013.

No.4/16/LA/2013-Com(Rev) : The Governor of Manipur is pleased to notify under section 4(1) of the Land Acquisition Act, 1894 that the area of land described in the schedule annexed herewith are likely to be needed for public purpose i.e. for construction of Heirok Branch Canal from RD. 9.402 Km. to RD 21.80 Km at village No. 126-Kangthokahao (Sheet No.3) 127-Kangyambem (Sheet No 2), 128-Heirok (Sheet No.2 & 3), 129-Heirok Part-II (Sheet No.1 & 2), 131-Kangdabi (Sheet No. 1&2), 133-Wangjing (Sheet No. 4) and 39-Khongjom (Sheet No. 2) in Thoubal District.

2. The Governor of Manipur is also pleased to authorize the Sub-Divisional Officer. Sub-Deputy Collector concerned and staff under the control to take steps under the provisions of section 4(2) read with section 5 of the Land Acquisition Act.1894 and to submit report to the Collector (LA),Thoubal.

*By orders & in the name of Governor
Sd/-
Commissioner (Rev), Govt. of Manipur*

Memo No. 4/16/LA/2013-Com(Rev)

Imphal, 6th July, 2013.”

[3] As per the above order passed by the respondent No.1, Commissioner (Revenue), Government of Manipur, it is made clear that the respondents are going to acquire the land at village No. 126-Kangthokahao (Sheet No.3) 127-Kangyambem (Sheet No 2), 128-Heirok

(Sheet No.2 & 3), 129-Heirok Part-II (Sheet No.1 & 2), 131-Kangdabi (Sheet No. 1&2), 133-Wangjing (Sheet No. 4) and 39-Khongjom (Sheet No. 2) in Thoubal District as mentioned in the order dated 6th July, 2013 and these petitioners are alleged to be owners of the properties and represented that after passing of the order on 6th July, 2013 i.e. after 10 years, now only the respondents are trying to acquire the land that too, without following due process of law. Therefore, the petitioners have filed the present writ petition seeking the prayers as follows :

- “a) to issue a writ in the nature of mandamus or any other appropriate writ, order or directions to the respondents to acquire the petitioners’ land as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 forthwith and not by direct purchase.*
- b) to direct the respondents to issue the awards in respect of the petitioners’ acquired land as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, before laying D.I. Pipes;*
- c) to pass an interim order staying the process of direct purchase of land presently made by the respondents and also staying the process of digging and laying G.I. Pipes into the*

petitioners' agricultural lands till the final disposal of the case."

[4] Mr. O. Ratan Kumar, learned Deputy GA for the State respondents raised the maintainability of the writ petition stating that there are defects in the writ petitions itself. Therefore, he seeks time to file counter affidavit.

[5] As per the above orders, it is made clear that the acquisition proceedings was initiated by the Respondents on 06.07.2013, but thereafter, the Respondents have not taken to continue the proceedings but all in sudden after 10 years the Respondents are attempting to acquire the petitioners' land that too without any intimation or notice which acts amounts to total violation of the natural justice and the acquisition proceedings. Since the Land Acquisition Act clearly provides before taking acquisition proper procedures shall be followed.

[6] Therefore, on hearing both sides, I am inclined to pass the following orders :

- a) this writ petition is disposed of.
- b) the Respondents are at liberty to proceed the acquisition but should follow due procedure of law as per the Right to Fair Compensation and Right to Fair Compensation and Transparency in Land

Acquisition, Rehabilitation and Resettlement Act,
2013 and not by direct purchase.

[7] With the above direction, this writ petition is disposed of.

ACTING CHIEF JUSTICE

Sushil