

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

CONT.CAS(C) No. 51 of 2019

Shri K. Babushahab Singh, aged about 55 years, s/o (L) K. Tomba Singh, President, the All Manipur Agarwood & Allied Industrialist Association, Lamboikhongnangkhong, U.K. ROAD, Mayai Leikai, P.O. & P.S. Lamphel, Imphal West District, Manipur.

...Petitioner

- Versus -

1. Mr. Suresh Babu, I.A.S., the Chief Secretary of Manipur, Chairman in-charge Manipur Development Society, Old Secretariat Building, Imphal West, Manipur. Pin No. 795001.
2. Mr. Ghyan Prakash, Commissioner/Secretary (Revenue), representing the State of Manipur, Old Secretariat Building, Imphal West, Manipur. Pin No. 795001.
3. Mr. Ng. Norenkumar Singh, Director of Settlement, Government of Manipur, Lamphelpat, Imphal West, Manipur. Pin No. 795001.
4. Mr. Rajen Yumnam, Project Director of Manipur Development Society, Secure-Office Complex near 2nd MR Gate, North AOC, Imphal, Manipur. Pin No. 795001.
5. Mr. Krishnakumar, I.A.S., D.C. Chandel, DRDA in-charge of Chandel District, Manipur. Pin No. 795127.
6. Mr. H. Rupachandra Singh, Deputy Commissioner, Tengnoupal District, D.C. Office Complex, Tengnoupal, Manipur. Pin No. 795131.
7. Mr. Rajkumar Singh, I.A.S., Addl. Deputy Commissioner, Moreh, Addl. D.C. Complex, Moreh, Manipur. Pin No. 795131.
8. L. Manikanta, Addl. Deputy Commissioner, Moreh.

[Vide orders dated 14-12-2020 and 10-03-2021 passed in CONT.CAS(C) No. 51 of 2019, R-8 is impleaded.]

[Vide order dated 28/4/2022 passed in MC(CONT.CAS(C)) No. 54 of 2022 and order dated

02-06/2022 passed in MC(CONT.CAS(C)) No. 31 of 2022, the following persons are impleaded as respondent Nos. 9 to 16]

9. Mr. Dr. Rajesh Kumar, I.A.S., presently functioning as the Chief Secretary of the Govt. of Manipur and Chairman in-charge Manipur Development Society, Old Secretariat Building, Imphal West, Manipur-795001.
10. Mr. R.K. Dinesh, presently functioning as Commissioner/ Secretary (Revenue) of the Govt. of Manipur representing the State of Manipur, Old Secretariat Building, Imphal West, Manipur – 795001. (to be impleaded)
11. Mr. P. Gojendro, presently functioning as Director of Settlement, Govt. of Manipur, Lamphelpat, Imphal West, Manipur – 795001. (to be impleaded)
12. Mrs. N. Bandana, presently functioning as Project Director of Manipur Development Society, Secured-Office Complex near 2nd M.R. Gate, North AOC, Imphal, Manipur – 795001. (to be impleaded)
13. Mr. Mayanglambam Rajkumar, I.A.S., presently functioning as Deputy Commissioner of Chandel District, Chandel D.C. Office Complex, Chandel, Manipur – 795127. (to be impleaded)
14. Mr. L. Vikram Singh, I.A.S., presently functioning as Deputy Commissioner of Tengnoupal District, Tengnoupal D.C. Office Complex, Tengnoupal, Manipur – 7955131. (to be impleaded)
15. Mr. Laishram Bobby Singh, presently functioning as Addl. Deputy Commissioner of Moreh, Moreh D.C. Office Complex, Moreh, Manipur – 7955131. (to be impleaded).
16. Smt. Mannuamching, I.A.S., Deputy Commissioner of Tengnoupal District, Tengnoupal D.C. Office Complex, Tengnoupal, Manipur – 7955131. (to be impleaded).

[Vide order dated 11-08-2022 passed CONT.CAS(C) No. 51 of 2019, R-17 is impleaded]

17. Mr. P. Brojen Singh, son of Paonam Birahari Singh, Chairman, Manipur Development Society, Old Secretariat Building, Imphal West, Manipur – 795001.

...Respondents

B E F O R E
HON'BLE THE CHIEF JUSTICE MR. SANJAY KUMAR

For the petitioner : Mr. S. Abung, Advocate
For the respondents : Mr. H.S. Paonam, Sr. Advocate;
Dr. R.K. Deepak, Advocate;
Mr. L. Raju, Advocate;
Ms. Tejpriya, Advocate
Date of order : 16-01-2023

ORDER

[1] This contempt case was instituted alleging willful disobedience to the order dated 25-09-2018 passed by a learned Judge of this Court in WP(C) No. 767 of 2017. The grievance of the petitioner in the said writ petition was that his homestead land measuring an area of 0.1590 hectares under Patta No. 4 (Old) & and 1623 (New) covered by C.S. Dag No. 7398 situated at Village No. 95 – Moreh, Tamenglong Tehsil, was taken over for use by the State authorities without acquiring it in accordance with law and that he should be paid compensation therefor or, in the alternative, rental. The learned Judge disposed of the writ petition directing the State authorities to verify the claim of the petitioner that he was the owner of the land and, if it was found to be so, he could not be denied enjoyment of his land without giving due compensation under the law or paying rent, as the case may be. This exercise was directed to be undertaken by the authorities within a time frame. Alleging inaction on the part of the State authorities pursuant to the aforesaid order, the petitioner filed this contempt case.

[2] Heard Mr. S. Abung, learned counsel for the petitioner; Dr. R.K. Deepak, learned counsel for respondent Nos. 2, 8, 13, 15 & 16; Mr. H. S. Paonam, learned senior counsel, appearing for respondent No. 17;

Mr. L. Raju, learned counsel for respondent Nos. 1 & 9; and Ms. Tejpriya, learned counsel, appearing for respondent No. 6.

[3] On 12-01-2023, this Court was informed by Dr. R.K. Deepak, learned counsel, that the rent payable to the petitioner for use/occupation of his land over 18 years, that is, from 2005-06 up till 2023-24, was quantified at ₹. 4,16,232/-. Learned counsel further stated that when the cheque for this amount was offered to the petitioner, he refused the same. As the documents placed before the Court did not reflect as to how the quantification was undertaken by the authorities, the matter was adjourned to 16-01-2023 to enable Dr. R.K. Deepak, learned counsel, to produce the quantification order along with the original cheque drawn upon State Bank of India in the name of the petitioner for a sum of ₹. 4,16,232/-

[4] Today, Dr. R.K. Deepak, learned counsel, produced a copy of the letter dated 27-12-2022 addressed to the Secretary (Revenue), Government of Manipur, by the Addl. Deputy Commissioner, Moreh, enclosing the enquiry report of the Committee constituted to determine the rental payable for the subject land. Pursuant thereto, the Deputy Commissioner, Tengnoupal District, issued order dated 10-01-2023 according administrative approval & expenditure sanction for release of a sum of ₹. 4,16,232/- to the petitioner as rental for the subject land. The original cheque for the said amount is handed over to Mr. S. Abung, learned counsel for the petitioner, in open Court and the same was received by him under protest and without prejudice to his client's rights.

[5] Mr. S. Abung, learned counsel, would place reliance on the letter dated 21-12-2022 addressed to the Addl. Deputy Commissioner, Moreh, by

the Deputy Secretary (Revenue), Government of Manipur, wherein it was noted that there was no fixed rate of rent for leasing private land in Manipur and the rent for using private land is usually negotiated between the landowner and the tenant. The Deputy Secretary therefore requested the Addl. Deputy Commissioner, Moreh, to suggest/furnish the rate of rent usually taken by the landowner while renting their land in similar cases. Learned counsel would assert that the enquiry undertaken by the Committee unilaterally to quantify the rent is illegal as such no negotiation was ever held with the owner of the land.

[6] However, it may be noted that this Court cannot examine this grievance of the petitioner in exercise of contempt jurisdiction. The direction of the learned Judge in WP(C) No. 767 of 2017 was to either pay compensation or rental for use of the land if the petitioner was found to be the owner thereof. As the State authorities have now chosen to pay rental to the petitioner by duly accepting him as the owner, the direction of this Court stands complied with. Validity of the quantification of the rental cannot be subjected to scrutiny in this contempt case. If the petitioner has any grievance in that regard, he would necessarily have to file independent proceedings before the appropriate forum in accordance with law. Reserving liberty to him to do so, if so advised, the contempt case is closed.

No order as to costs.

CHIEF JUSTICE

Victoria