

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

WP(C)No.180 of 2023

Mr. Thongkhomang Khongsai, aged about 49 years, S/o Ot Sei Khongsai and a resident of Kananphai Village, Sajik Tampak, chakpikarong Sub-Division of Chandel District, Manipur-795102.

...Petitioner

- Versus -

1. The Union of India, represented by the Secretary, Ministry of Home Affairs, Govt. of India, North Block, New Delhi -110001.
2. The Director General of Assam Rifles, Happy Valley, Shillong, Shillong, Meghalaya.
3. The Inspector General of Assam Rifles, (South), Mantripukhri, Imphal, Manipur.
4. The Commandant, 4th Bn Assam Rifles, Sajik Tampak, Chandel, Manipur, PO & PS Chakpikarong, C/O-99/APO.

... Respondents

**BEFORE
HON'BLE THE ACTING CHIEF JUSTICE M.V.MURALIDARAN
ORDER**

13.03.2023

1. Heard Mr. Khalter Khampa, learned counsel for the petitioner and Mr. Kaminikumar, learned Central Government Counsel for the Union of India.

2. This writ petition has been filed by the petitioner to consider and dispose of the representation of the petitioner dated 11.5.2022.

3. The case of the petitioner is that he is the hereditary headman of Kananphai village and paying Hills House Tax to the Government. He is a poor tribal belonging to Kuki Scheduled Tribe community of Chandel District. The petitioner's unsurveyed hill land measuring about 15 acres was occupied by the fourth respondent since 1.4.2004 and they continue to occupied even till date without paying any land rent fees. In the month of January, 2021, the petitioner submitted a representation to the Commandant of 4th Battalion Assam Rifles praying for payment of rent fees for the land being used along with all the ownership and other important documents. However, the same was not considered till date, thus, depriving the rightful rent fees to tribal land owner by the respondents.

4. Further case of the petitioner is that a joint survey of land being occupied by the Assam Rifles for company operating base at Sajik Tampak was conducted from 30th March to 1st April, 2022 by the Sub-Divisional Officer, Chakpikarong headed by Head Lambu, Peon and CA along with the petitioner and other three Chiefs of the neighbouring villages, namely Sajik Tampak, Hengmol and Tuilelon. They had found that the petitioner's land measuring an area of 15 acres was occupied by the fourth respondent and they have also submitted a survey report dated 4.4.2022. On 13.4.2022, the SDO, Chakpikarong submitted the

rent rate of land to the Deputy Commissioner, Chandel in respect of Chakpikarong Sub-Division i.e. at the rate of Rs.3000/- per acre per month. As such the total amount of rental compensation to be paid to the petitioner by the respondents for a period of 18 years 10 months along with 12% interest of the rental compensation as per Section 80 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 is Rs.1,09,40,400/-.

5. According to the petitioner, on 21.4.2022, the Deputy Commissioner, Chandel wrote a letter to the Commandant, 4th Assam Rifles stating that the petitioner's land measuring about 15 acres is occupied by the Assam Rifles. On 11.5.2022, the petitioner has submitted an application to the first respondent praying for immediate payment of the land rental fees, however, it has not been acceded to even till date. In similar circumstances, one Ginminlun Zou filed W.P.(C) No.1085 of 2022 claiming rent, wherein this Court, after hearing the parties, disposed of the writ petition on 19.12.2022 by directing the first respondent therein to consider and dispose of the representation submitted by the petitioner. Since the petitioner being the land owner, he cannot be deprived of his landed properties. Hence, the writ petition.

6. During the course of arguments, the learned counsel for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the first respondent to consider the representation of the petitioner dated 11.5.2022 and dispose of the same within a stipulated time that may be fixed by this Court.

7. The learned Central Government Counsel also agreed for disposal of the writ petition with the direction as prayed for by the learned counsel for the petitioner.

8. Having regard to the limited scope of the prayer sought for by the petitioner and taking into consideration the submission made on either side, without expressing any opinion on the merits of the representation of the petitioner or the case pleaded by the petitioner in the instant writ petition, the writ petition is disposed of with a direction to the first respondent to consider the representation of the petitioner dated 11.5.2022 and pass appropriate orders, on merits and in accordance with law, after affording reasonable opportunity to the petitioner, within a period of three months from the date of receipt of a copy of this order. There will be no order as to costs.

ACTING CHIEF JUSTICE

NFR/FR

John kom