

JUDGMENT AND ORDER
(ORAL)

Heard Mr. A. Golly, learned counsel for the petitioner and Mr. Sh. Shyam Sharma, learned Government Advocate, who accepts notice on behalf of the respondents.

2. By consent, the writ petition is taken up for final disposal at the admission stage itself.

3. This writ petition has been filed by the petitioner for issuance of a writ of mandamus directing the respondents to consider for allotment of 1.02 acres of land earlier recorded under Patta No.603 (new), covered by C.S. Dag No.4 and 5 having a total area of 1.04 acres situated within the Revenue Village No.58-Thongju, Imphal East, Manipur in favour of the Secretary, Lamdaibung Social Welfare Club, Singjamei, Imphal East District, the petitioner herein, for public purpose under Section 14(2) of the MLR & LR Act, 1960 read with MLR & LR (Allotment of Land) Rules, 1962 by considering the representation of the petitioner dated 12.11.2022.

4. The case of the petitioner is that the petitioner is an association formed and constituted by the locality of Kakwa Landaibung Leikai and it is in existence since for the last more than 80/90 years and was registered under the Societies Registration Act,

1860. The petitioner possesses a piece of homestead land under Patta No.603 (new) covered in C.S. Dag No.4 and 5 having a total area of 1.04 acres situated within the Village No.58-Thongju, Imphal East District. The members of the petitioner started land development works and fenced by iron post and barbwire around the land since the year 1960 onwards by expending huge amount of money so that the same could be used for many public purposes exclusively for the benefit and welfare of the local populace. By an allotment order dated 15.10.1966 of the Settlement officer, Manipur, an area of 0.02 acre recorded under C.S. Dag No.5 of Village No.58-Thongju was allotted to the petitioner under Section 14(2) of MLR and LR Act, 1960 and the petitioner has also paid necessary premium of Rs.80/- to the Government on 10.11.1966 and necessary records of right by way of jamabandi and Dag chitta were also prepared in the name of the petitioner for the said land.

5. Further case of the petitioner is that about six decades ago, the petitioner has made another allotment application dated 6.8.1964 to the Hon'ble Finance Minister, Government of Manipur, for allotment of 1.00 acre of land at Kakwa Landaibung under old Patta No.58/1 and new Patta No.58/5, Imphal East in favour of the petitioner with a request to issue permanent patta. Thereafter, in the

re-settlement survey, the aforesaid 1.00 acre of land was recorded in the name of the petitioner, correspondingly, the records of right by way of jamabandi and chitta were also prepared in the name of the petitioner. On 12.11.2022 the petitioner submitted a representation/application to the first respondent along with duly filled up form of application under Section 14(2) of the MLR & LR Act, 1960 read with MLR & LR (Allotment of Land) Rules, 1962 for allotment of 1.02 acres of land earlier recorded under Patta No.603 (new) covered by C.S. Dag No.4 and 5 having a total area of 1.04 acres situated within the Revenue Village No.58-Thongju in favour of the petitioner. Despite receipt of the said application/representation, the first respondent neither considered the case of the petitioner for allotment nor disposed of the representation/application of the petitioner. Hence, the writ petition.

6. During the course of arguments, Mr. A. Golly, 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 12.11.2022 and dispose of the same within a stipulated time that may be fixed by this Court.

7. Mr. Sh. Shyam Sharma, the learned Government Advocate 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 that is now 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 12.11.2022 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

FR/NFR

Sushil