

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

WP(C)No.736 of 2021

Lalnunthloun Hrangchal, aged about 31 years, S/o Lenmang Hrangchal of
Manamjang Village, Kangpokpi District, Manipur-795132.

...Petitioner

– Versus –

1. The State of Manipur represented by the Commissioner (works),
Govt. of Manipur at Imphal, Manipur-795001.
2. The Chief Engineer (Building), PWD, Manipur-795001.
3. The Addl. Chief Secretary(Works)-cum-Estates Officer, Government
of Manipur-795001.
4. The Executive Engineer, Building Division-II, PWD, Lamphelpat,
Imphal West Manipur-795004.
5. The Deputy Commissioner, Imphal West, Lamphel, Imphal West,
Manipur-795004.
6. Shri Mayengbam Kenjit Singh aged about 51 years, resident of Type-
D/26/PDA Quarters at NGV-III, Langol, Manipur-795004.

.... Respondents.

With

WP(C)No.192 of 2022

Shri Mayengbam Kenjit Singh aged about 51 years, resident of Quarter No. T-B/194, N.G.V. Zone-II National Game Village, Imphal, Manipur.

...Petitioner

– Versus –

1. The State of Manipur represented by the Commissioner (works), Govt. of Manipur at Imphal, Manipur-795001.
2. The Chief Engineer (Building), PWD, Manipur-795001.
3. The Addl. Chief Secretary(Works)-cum-Estates Officer, Government of Manipur-795001.
4. The Executive Engineer, Building Division-II, PWD, Lamphelpat, Imphal West Manipur-795004.
5. The Deputy Commissioner, Imphal West, Lamphel, Imphal West, Manipur-795004.
6. The Sub-Divisional Officer, Imphal West, Lamphelpat, Manipur-795004.
7. Lalnunthloun Hrangchal, aged about 31 years, S/o Lenmang Hrangchal of Manamjang Village, Kangpokpi District, Manipur.

.... Respondents.

With

WP(C)No.567 of 2021

Shri Mayengbam Kenjit Singh aged about 51 years, resident of Quarter No. T-B/194, N.G.V. Zone-II National Game Village, Imphal, Manipur.

...Petitioner

– Versus –

1. The State of Manipur represented by the Additional Chief Secretary (Works), Government of Manipur.
2. The Executive Engineer, Building Division-II, PWD, Manipur, and
3. The Sub-Divisional Officer, Lamphel, Imphal West, Manipur.

.... Respondents.

BEFORE

HON'BLE THE ACTING CHIEF JUSTICE MR. M.V. MURALIDARAN

For the Petitioner	:	Mr. O. Kiranjit, Adv. in WP(C)No.736 of 2021, Mr. KH. Chonjon, Sr. Adv. in WP(C) No.192 of 2022 & WP(C)No.567 of 2021.
For the Respondents	:	Mr. Shyam Sharma, GA for State respondents in WP(C)No.736 of 2021; Mr. S. Niranjana, GA for the State respondents in WP(C)No.192 of 2022 & WP(C)No.567 of 2021; Mr. O. Kiranjit, Adv. R7 in WP(C)No.192 of 2022 and Mr. KH. Chonjon, Sr. Adv. R6 in WP(C)No.736 of 2021
Date of reserved.	:	16.06.2023
Date of Judgment & Order	:	03.07.2023.

JUDGMENT & ORDER
(CAV)

W.P.(C) No.736 of 2021 has been filed by the petitioner for issuance of a writ of mandamus directing the respondents to hand over to the petitioner the vacant possession of the Quarters No.Type-B/194 at National Game Village, Langol allotted to him and to direct the respondents to make such other arrangements in the similar Government quarters of the State for his residence.

2. The sixth respondent in W.P.(C) No.736 of 2021 has filed W.P.(C) No.192 of 2021 to quash the impugned cancellation order dated 18.1.2021. He has also filed W.P.(C) No.567 of 2021 to quash the impugned eviction order dated 24.8.2021.

3. Since the prayers made in all three writ petitions are interlinked with each other, all the writ petitions were heard together and disposed of by this common order.

4. The facts in W.P.(C) No.756 of 2021 is taken as lead case and, accordingly, the parties are referred to as per their array in W.P.(C) No.756 of 2021.

5. The case of the petitioner is that he has been allotted Government quarters bearing No.T/B-194 at National Game Village, Langol, however, the same is being occupied by the previous occupant and yet to be vacated. Hence, the petitioner has filed the writ petition directing the official respondents to hand over the vacant possession of the quarters bearing No.T/B-194 allotted to him or to make other arrangements in the Government quarters of the State for his residence.

6. The respondent State filed affidavit-in-opposition stating that after verification of all requirements, the House Allotment Committee cancelled the quarters No.T/B-194 allotted to the sixth respondent Mayanglambam Kenjit Singh, Assistant Inspector of Schools, SH-ADC, Kangpokpi and after cancellation, the same was allotted to the petitioner vide order dated 18.1.2021. Necessary intimation about possession of the Government quarters was issued on 4.2.2021. It is stated that on receipt of the representation dated 6.3.2021 of the petitioner, the office of the Executive Engineer, BD-II, PWD ascertained that the said quarters was still occupied by an unauthorised occupant. On 6.3.2021, notice was caused to the unauthorised occupant to vacate the quarters within 7 days from the date of receipt of the letter.

7. It is stated that on 20.3.2021, the Executive Engineer, BD-II/PWD addressed a letter to the Deputy Commissioner, Imphal West requesting to take necessary eviction proceedings to vacate the unauthorised occupant out of the quarters. On 24.8.2021, SDO, Lamphel passed an order in Eviction Case No.9 of 2021 directing the SDC, Imphal West Central to execute the eviction of unauthorized occupant (6th respondent) from the Government quarters on 31.8.2021. By the interim order dated 1.9.2021 in W.P.(C) No.567 of 2021, the eviction was stayed and the same is still continuing. Therefore, this Court may allow the official respondents to evict the unauthorised occupant from the quarters so as to enable to hand over the same to the petitioner.

8. The sixth respondent filed affidavit-in-opposition stating that cancellation of the allotment order was never communicated to the sixth respondent and the same was passed in collusion with the petitioner just to accommodate him. The said order was kept concealed from the sixth respondent till the date of filing W.P.(C) No.736 of 2021 by the petitioner. Instead, the sixth respondent was served with a show cause notice dated 28.4.2021 by the SDO, Lamphel, Imphal West and the sixth respondent has also sent his reply. It is stated that all the actions and conduct were made behind the back of the sixth respondent to dispossess him without due process of law. The sixth respondent is occupying the quarters No.T/B-194 in accordance with law and has every right to continue to hold the said quarters.

The acts of the petitioner and the official respondents are arbitrary in nature and quite unbecoming of a public servant and a responsible citizen.

9. Mr.O. Kiranjit, learned counsel for the petitioner, submitted that the sixth respondent is in illegal possession of two Government quarters, namely, No.T/B-194 at National Game Village and T/D-26/PDA at National Game Village-III, Langol. Despite the petitioner deposited the requisite house rent for the Quarters No.T/B-194 allotted to him, the official respondents have not given the vacant possession of the same till date and that the said quarters is being occupied by the illegal occupants without any lawful justification. Thus, a prayer has been made to direct the official respondents to hand over to the petitioner the vacant possession of the Quarters No.T/B-194.

10. Mr. Sh. Shyam Sharma, learned Government Advocate for the official respondents, submitted that after cancellation of the allotment issued in favour of the sixth respondent in respect of Quarters No.T/B-194, the same was allotted to the petitioner, who was working as Section Officer, Grade-I, WRD, Task Force Division, Khoyathong on 18.1.2021. He would submit that after ascertaining that the said quarters still being occupied by the unauthorized occupants, legal action was initiated against them thereby giving show cause notice and, in fact, eviction proceedings were also initiated against the sixth respondent and the unauthorized occupants vide order dated 24.8.2021. Since an interim order was granted by this Court in the writ petition being W.P.No.(C)

No.567 of 2021 filed by the sixth respondent thereby staying the operation of the eviction order dated 24.8.2021, the order of eviction has not been carried out. The official respondents are ready to hand over the Quarters No.T/B-194 to the petitioner after evicting the unauthorised occupants pursuant to the order dated 18.1.2021 issued in favour of the petitioner.

11. Mr.Kh. Chonjon, learned senior counsel for the sixth respondent, submitted that the cancellation of allotment order was not communicated to the sixth respondent and the cancellation order was passed in collusion with the petitioner to accommodate him in Quarters No.T/B-194. He would submit that all actions were made behind the back of the sixth respondent to dispossess him without due process of law. The concerned authority has never issued show cause notice to the sixth respondent as to why the allotment in favour of the sixth respondent should not be cancelled, instead passed an order behind the back of the sixth respondent, which is arbitrary and malicious and also to accommodate the petitioner in the said quarters.

12. The learned senior counsel for the sixth respondent further submitted that the sixth respondent has been occupying Quarters No.T/B-194 in accordance with law and has every right to continue to hold the same. He would submit that the Quarters No.T/B-194 is not being occupied by illegal occupants. Since the acts of the petitioner and the official respondents are arbitrary in nature, the sixth respondent filed W.P.(C) No.192 of 2021

challenging the order dated 18.1.2021 and W.P.(C) No.567 of 2021 challenging the order dated 24.8.2021 and the interim order is operating in the said writ petitions. Thus, a prayer has been made to dismiss the writ petition filed by the petitioner and allow the writ petitions filed by the sixth respondent.

13. This Court considered the rival submissions and also perused the materials available on record.

14. From the pleadings, the following facts emerge - On 27.9.2020 the Assistant Engineer-IV, Building Division-II, PWD, Manipur, wrote a letter to the Executive Engineer, Building Division-II, PWD that the Government Quarters No.T/B-194 at NGV, Langol which was allotted to the sixth respondent vide order dated 24.1.2015 was found to have been occupied by one Memcha Devi and that the sixth respondent is presently occupying Type-D/26/PDA Quarters at NGV-III. Thereafter, on the recommendation of the House Allotment Committee, the allotment in respect of the Quarters No.T/B-194 issued in favour of the sixth respondent was cancelled vide order dated 18.1.2021 and the said Quarters No.T/B-194 was allotted to the petitioner by way of the said order. The petitioner has also deposited necessary house rent and certificate to that effect was also issued to him. In this regard, the Under Secretary (Works) addressed a letter to the Executive Engineer, Building Division-II, PWD to hand over the Quarters No.T/B-194 to the petitioner. Since the unauthorised occupant is in possession of Quarters No.T/B-194 and the petitioner was not

able to take possession of the same, he has submitted a representation on 6.3.2021 to the Executive Engineer and the Assistant Engineer-IV, in turn, issued a notice to the occupant to vacate Quarters No.T/B-194 within a period of 7 days from the date of receipt of the said notice. Since the occupant has not vacated the quarters, the Executive Engineer, Building Division-II wrote a letter to the Deputy Commissioner, Imphal West to take up an eviction proceedings in respect of Quarters No.T/B-194 enabling to hand over the same to the new allottee. Thereafter, necessary proceedings were initiated by the Deputy Commissioner for eviction of the illegal occupants.

15. The case of the sixth respondent is that there is not a single word being reflected as to the cancellation of the allotment order except in the impugned order dated 18.1.2021 which was also kept concealed to the sixth respondent, but rather the sixth respondent has been termed as an unauthorised occupant only to justify the action of issuing the impugned orders and at the same time to evict the sixth respondent from the allotted quarters illegally just to accommodate the petitioner. The further case of the sixth respondent is that on 28.4.2021, he was served with a notice in connection with Eviction Case No.9 of 2021 to show cause as to why the Government quarters allotted to him shall not be vacated on or before 12.5.2021. On 12.5.2021 the sixth respondent appeared before the Sub Divisional Officer and submitted his written explanation and thereafter, the proceedings in the Eviction Case remained dormant for some time. However, to the utter surprise, an order

dated 24.8.2021 was served on the sixth respondent thereby ordering that the sixth respondent shall be evicted from the quarters, where his family is residing. Assailing the said notice, the sixth respondent has filed W.P.(C) No.567 of 2021.

16. During the course of hearing of the writ petitions, this Court directed the official respondents to produce the original File pertaining to Quarters No.T/B-194. Pursuant to the order of this Court, the official respondents have produced the File. On a perusal of the File, this Court finds that on 10.11.2020 itself, the Assistant Engineer-IV, Building Division-II, PWD, Manipur, issued a notice to the sixth respondent calling upon him to appear on 25.11.2020. The said letter dated 10.11.2020 reads thus:

“I am informed you that the Govt. No.Type-B/194 NGV which was allotted to you vide order No.1/38/2010-Est(W) dated 24/1/2015 was not occupy the said qtr. Since a long time. You have subletted the qtr. To an unauthorised person namely Smt. Mema Devi from Sekamai. Therefore, you are requested kindly to attend this office personally on or before 25/11/2020 positively, otherwise the matter will be brought to the Estate Office for cancellation of the Qtr. As per Qtr. Allotment Rule.”

17. On 27.11.2020, the Assistant Engineer-IV wrote a letter to the Executive Engineer, Building Division-II stating that during spot verification of quarters, the sixth respondent did not appear and it is found that the Quarters No.T/B-194 was occupied by one Memcha Devi from Sekmai and the sixth respondent is currently occupying Type-D/26, PDA Quarters at NGV-III.

Thereafter, on the recommendation of the House Allotment Committee, the Quarters No.T/B-194 was allotted to the petitioner after cancelling the allotment made in favour the sixth respondent.

18. When the concerned official on physical/spot verification found that the sixth respondent was not living in Quarters No.T/B-194 and he sublet the said quarters to somebody, the Estate Officer was right in cancelling the allotment issued in favour of the sixth respondent. The terms and conditions of the allotment order stipulate that the allottee has to live in the allotted quarters and at no point of time the allottee should not sublet the quarters. Since the sixth respondent was not in physical occupation of the Quarters No.T/B-194 and one Memcha Devi is in occupation of the said quarters, the initiation of action against the sixth respondent for cancelling the allotment is perfectly correct. Therefore, this Court finds no infirmity in issuing the impugned order dated 18.1.2021 thereby allotting the Quarters No.T/B-194 in favour of the petitioner by cancelling the allotment issued in favour of the sixth respondent. In view of the above, the contention of the sixth respondent that the order dated 18.1.2021 was passed behind his back cannot be countenanced.

19. It appears that in the process of evicting the unauthorised occupant from the Quarters No.T/B-194, on 26.4.2021, the Sub-Deputy Collector, Imphal West (Central) addressed a communication to the Sub-Divisional Officer, Lamphel stating that the Quarters No.T/B-194 is presently occupied by the

relatives of the previous allottee namely Mayengbam Kenjit (6th respondent). On 28.4.2021, the Sub-Divisional Officer, Lamphel issued a notice in Eviction Case No.9 of 2021 to the Officer-in-Charge of Lamphel Police Station for causing service to the person concerned by marking a copy to the sixth respondent and other officials stating as under:

“Whereas, Executive Engineer, Building Division No.II P.W.D. Manipur vide letter No.EE/BD-II/Eviction-Qtr./2020/340 dated 20/03/2021 has written to the Deputy Commissioner, Imphal West District for eviction of the unauthorized occupant of Govt. Quarter No.T/B-194, Natinal Game Village.

Whereas, Deputy Commissioner, Imphal West District has directed the undersigned to cause inquiry and take up necessary action for eviction of appropriate provision of law of Govt. Qtr. No.T/B-194, National Game village vide letter No.DC(IW)/8/14/Eviction/2020/571 dated 08.04.2021.

Whereas, spot enquiry has been conducted by the SDC/IW (Central) vide letter No.8/SDC/IW(C)/Evict/90/284 dated 26-04-2021 and it has been reported that the Govt. Quarter No.T/B-194, National Game Village is being occupied Unauthorizedly MayengbamKenjit.

Now, therefore, I.S. Surchandra Singh, MCS, Sub-Divisional Officer, Lamphel, Imphal West in exercise of the powers conferred upon me under Sub-Section (1) of Section 3 of the Manipur Public Premises (Eviction of Unauthorized Occupants) Act, 1978, do hereby direct the Opposite party to show cause as to why the Govt. Quarter No.T/B-194, National Game Village shall not be vacated in writing by appearing in person/by authorized pleader in this regard latest by 5.00 p.m. of 12/05/2021, failing which eviction will be carried out without further notice.”

20. According to the sixth respondent, on 12.5.2021, he appeared before the Sub-Divisional Officer and submitted an explanation stating that the quarters is continuously occupied by the sixth respondent and his family members and it is impossible for him to look for another shelter. Since way back on 10.11.2020 itself the authorities found that the sixth respondent sublet Quarters No.T/B-194, the statement of the sixth respondent made before the Sub-Divisional Officer on 12.5.2021 that his family members are living in the said quarters is unacceptable. After considering the explanation given by the sixth respondent and other relevant materials, on 24.8.2021, the Sub-Divisional Officer, Lamphel, has passed the impugned order stating as under:

“Whereas, the opposite party/Unauthorized occupant Mayengbam Kenjit was directed to vacate the Govt. Quarter No.T/B-194, National Game Village vide this Court’s Notice dated 28th April, 2021 passed on the Eviction Case No.9 of 2021;

Whereas, it has been reported by the Sub-Deputy Collector, Imphal West (Central) vide letter No.8/SDC/IW(C)/Evict/2021 dated 23rd August 2021 that the unauthorized occupant has not complied with the Notice of eviction dated 28.4.2021;

Now, therefore, I, Lanjoy Thoudam, MCS, Sub-Divisional Officer, Lamphel, Imphal West in exercise of the powers conferred upon me under Sub-Section (1) of Section 4 of the Manipur Public Premises (Eviction of Unauthorized Occupants) Act, 1978 do hereby order that the Opposite party/Unauthorized occupant Shri Mayengbam Kenjit Govt. Quarter No.T/B-194, National Game Village shall be evicted from

Govt. Quarter No.T/B-194, National Game on 31.08.2021 at 10.30 a.m. for taking possession of the same;

SDC, Imphal West (Central) shall execute the above order with the assistance of adequate number of police force to be provided by the Superintendent of Police, Imphal West District, on the spot, date and time as fixed above i.e. 31/08/2021 at 10.30 a.m.;

The Executive Engineer, Building Division No.II P.W.D. Manipur shall assist Rishikanta Loitongbam, SDC/Imphal West (Central) in the execution of these orders.”

21. The aforesaid order has been assailed by the sixth respondent by contending that he is not an unauthorized occupant by virtue of the fact that an allotment order dated 24.1.2015 allotting Quarters No.T/B-194 to him is still subsisting. In the event the order dated 24.8.2021 is effectuated thereby evicting the sixth respondent and his family from the said quarters, an irreparable loss would be caused to him. The aforesaid contention of the sixth respondent cannot be countenanced for the simple reason that only after cancelling the allotment issued in favour of the sixth respondent, as he violated the terms and conditions of the allotment, Quarters No.T/B-194 was allotted in favour of the petitioner. As stated supra, the cancellation of the allotment is primarily on the ground that he has not occupied the said quarters and he has sublet the same to one Mema Devi and now the unauthorized occupant was in possession of the same. As stated supra, the said fact was also reflected in the show cause notice issued by the Assistant Engineer-IV to the sixth respondent way back on 10.11.2020. Since the action initiated against the sixth

respondent in respect of Quarters No.T/B-194 is in accordance with law and only after following the due process of law, the sixth respondent now cannot assail the impugned order dated 24.8.2021. That apart, after cancellation, neither the sixth respondent, nor the lease/tenant of the sixth respondent has no right to occupy the said quarters. The occupation of the sixth respondent and one Mema Devi is to be termed as illegal occupants. Therefore, the Sub-Divisional Officer, Lamphel was right in issuing the impugned order dated 24.8.2021 and this Court cannot find any infirmity in it.

22. The argument of the learned Government Advocate that the sixth respondent is currently occupying Type-D/26, PDA quarters at NGV-III and he is not in occupation of Quarters No.T/B-194 and he is an unauthorised occupant is appreciable and in support of the said argument, the official respondents have also produced materials before this Court. From the perusal of the entire records produced, this Court is of the view that despite cancellation of the allotment of Quarters No.T/B-194, he is still occupying the same by subletting, which cannot be endorsed by this Court. Since the petitioner has been issued with the allotment order in respect of the Quarters No.T/B-194 after following the due process and he has also paid the necessary rent for the same, the official respondents are duty bound to give possession of the said quarters to the petitioner by evicting the unauthorized occupant.

23. During the course of arguments, the learned Government Advocate submitted that since the interim order is in operation, the official respondents are not in a position to carry out the eviction and the respondent authorities are ready to evict the unauthorised occupants from Quarters No.T/B-194 at NGV and hand over vacant possession of the same to the petitioner within the stipulated time. Since this Court finds that there are no infirmities in the impugned orders dated 18.1.2021 and 24.8.2021 respectively and the same were issued after following due process of law, there is no hurdle for the official respondents in evicting the unauthorised occupants from Quarters No.T/B-194 and hand over the same to the petitioner pursuant to the allotment order dated 18.1.2021 issued to him. In the eviction process, if any police assistance is required, the concerned official may seek police assistance from the jurisdictional police and the jurisdictional police may render police assistance to the respondent authorities.

24. In the result,

- (i) W.P.(C) No.736 of 2021 is allowed.
- (ii) The official respondents in W.P.(C) No.736 of 2021 are directed to hand over the vacant possession of the Quarters No.T/B-194 at the National Game Village, Langol to the petitioner by evicting the unauthorised occupants.

- (iii) The said exercise is directed to be completed within a period of two months from the date of receipt of a copy of this order.
- (iv) W.P.(C) Nos.192 and 567 of 2021 are dismissed.
- (v) No costs.

ACTING CHIEF JUSTICE

FR/NFR

John Kom