

Item No. 51

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

WP(C) No. 433 of 2021

1. Md. Jalaluddin, aged about 55 years old, S/o (L) Md. Jamaruddin, a permanent resident of Lilong Kaleikhong, Lilong, Thoubal District, P.O. & P.S. Lilong, Thoubal District, Manipur — 795 130.
2. Md. Abdul Hakim, aged about 58 years old, S/o (L) Md. Jamaruddin, a permanent resident of Lilong Kaleikhong, Lilong, Thoubal District, P.O. & P.S. Lilong, Thoubal District, Manipur — 795 130.

....Petitioners

-Versus-

1. The State of Manipur represented by Commissioner/Secretary (Revenue), Govt. of Manipur, Manipur Secretariat Complex, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.
2. The Director Settlement of Land Records, Manipur having its office at Lamphelpat, Imphal West District, Manipur-795004.
3. The Deputy Commissioner/District Collector, Thoubal District, DC Office Complex, Thoubal, P.O. & P.S. Thoubal Manipur — 795138.
4. The Sub-Divisional Officer, Lilong, P.O. & P.S. Lilong, Thoubal District, Manipur-795 130.
5. The National Highway and Infrastructure Development Corporation NHIDCL, represented by its General Manager (T)

having its office at NHIDCL, HQ, 3rd Floor PTI Building, 4 Parliament Street, New Delhi-110001.

6. The General Manager (P), Branch Office, Imphal, The National Highway and Infrastructure Development Corporation (NHIDCL), having its Office, at 2nd Floor, Transit Hostel Officer's Club, Lamphelpat, P.O. & P.S. Lamphel, Imphal West, Manipur-795004.
7. Union of India represented by its Secretary, the National Highways Authority of India, Ministry of Road Transport and Highways, Transport Bhawan, 1, Parliament Street New Delhi-110001, Govt. of India.

....**Respondents**

BEFORE
HON'BLE THE ACTING CHIEF JUSTICE MR. MV MURALIDARAN
16.03.2023

[1] Heard Mr. N. Jotendro, learned senior counsel assisted by Mr. Murtaza Ahmed, learned counsel for the petitioner; Mr. H. Debendra, learned Deputy AG for the respondents No. 1,2,3 and 4; Mr. Ng. Jotindra, learned counsel for the respondents No. 5 and 6 and Mr. Kh. Samarjit, learned DSGI for the respondent No. 7.

[2] Mr. Jotendro, learned senior counsel for the petitioner represented that the writ petitioner has filed the present writ petition seeking the prayer as follows :

“i) issue rule and call for records;

ii) issue a writ in the nature of mandamus or any other writ of the like nature for demarcation/re-survey of the

affected land of the petitioners so as to assess the adequate amount of money for causing the existing expansion of NH-102 Indo-Burma Road under Village No. 16-Lilong adjacent to NH-102 (Western side) till appropriate demarcation is conducted by the competent authorities of the Revenue Department as the patta land of the petitioners No. 1 is affected about 26 ft. to the extreme Northern side, 23 ft. to the extreme Southern Side and 180 ft. breadth altogether measuring about 4450 sq. ft. approximately and the patta land of the petitioners No. 2 is affected about 28ft. to the extreme Northern side, 26 ft. to the extreme Southern Side and 81 ft. breadth altogether measuring about 2200 sq. ft. approximately as per the existing map prepared by the NHIDCL as the target for expansion of road is about 100 ft. and out of which existing road is only 31 ft. and from the said existing road the expansion comes to the patta land of the petitioners thereby affecting almost 4450 sq. ft. and 2200sq.ft. approximately inside the patta land of the petitioners ;

iii) direct the respondents to consider and dispose of the representations dated 3/1/2020 and 28/11/2020 preferred by the petitioners to the respondent Nos.3 & 4 respectively;

iii) in the interim, restrain the respondents not to make any developmental work at the area now occupied by the petitioners in connection with the patta lands mentioned like the similarly situated

interim orders passed on 22/2/2020 and 23/3/2021 passed in WP(C) No. 389 and WP (C) No. 264 of 2021 of 2020. pending final disposal of the instant writ petition.”

[3] After issuance of notice, respective counsels for the respondents appeared and thereafter, the respondent No. 3 i.e. the Deputy Commissioner, Thoubal filed counter affidavit dated 09.02.2023 wherein in para 4 it is stated as follows :

“4. That, the petitioners have consented to sell the affected portion of their respective land on the basis of the report of joint survey conducted on 10th November, 2022 at the rate already approved by the Government. Accordingly, the petitioners have executed sale deed and have accepted the consideration/compensation amount for the affected land.”

[4] Mr. Jotendro, learned senior counsel for the petitioner represented that the writ petition may be disposed of according to Para 4 of the counter affidavit dated 09.02.2023 filed by the Respondent No. 3.

[5] Learned counsels appearing for the respondents have also made no objection.

[6] Accordingly,

- a) this writ petition is disposed of.
- b) the respondents are directed to act upon as per para 4 of the counter affidavit filed by the 3rd respondent dated 09.02.2023.
- c) earlier interim order also stands vacated.

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

ACTING CHIEF JUSTICE

Sushil