

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

WP(C) No. 502 of 2022

1. K. Amoch Mao aged about 66 years, S/o Kashiprii Athow, R/o Chowainamei Khunou Village, PO & PS Tadubi, Senapati District, Manipur – 795104.
2. A. Chokho aged about 55 years, S/o Adani, R/o Chowainamei Khullen Village, PO & PS Tadubi, Senapati District, Manipur – 795104.

-- -- -- **Petitioners**

- VERSUS-

1. State of Manipur, Rep. by its Additional Chief Secretary/Principal Secretary /Commissioner /Secretary (Revenue.) Government of Manipur, Secretariat New Building, Babupara, PO & PS Imphal West, Imphal West District, Manipur – 795001.
2. Deputy Commissioner/LAC, Senapati District, Government of Manipur, PO & PS Senapati District HQ, Senapati, Manipur – 795106.
3. National Highways Infrastructure Development Corporation Limited Rep. by its General Manager, Regional Office, Manipur at Transit Hostel, Officer's Club, Lamphelpat, Imphal West, Manipur – 795004.

4. Maopungdong Village Authority, Rep. by its Chairman, Maopungdong Village, PO & PS Tadubi, Senapati District, Manipur – 795104.

-- -- -- **Respondents**

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

For the Petitioners	::	Mr. Julius D. Riamei, Adv.
For the Respondents	::	Mr. Sh. Shyam Sharma, GA Mr. Ng. Jotindra, Adv. Mr. N. Umakanta, Adv.,
Date of Hearing and Judgment & Order	::	01.02.2023

JUDGMENT AND ORDER
(ORAL)

[1] Heard Mr. Julius D. Riamei, learned counsel for the petitioners; Mr. Sh. Shyam Sharma, learned GA for the respondents No. 1 and 2; Mr. Ng. Jotindra, learned counsel for the respondent No. 3 and Mr. N. Umakanta, learned counsel for the respondent No. 4.

[2] Mr. Julius D. Riamei, learned counsel for the petitioners represented before this Court that the petitioners have filed the present writ petition seeking the prayer as follows :

- “i) Pass an order or direction by issuing a writ of Mandamus or a writ in the nature of a writ of Mandamus or any other appropriate writ or order or direction as this Hon’ble Court may deemed fit and proper in the facts and circumstances of the case to direct the Respondent No. 2 to make reference under Section 3H (4) of the National Highways Act, 1956 to the competent Civil Court in respect of payment of compensation for the land acquired for the construction/widening of NH-129A Maram to Paren Road from 17 to 21 Kms located at Chowainamei Khullen and Khunou Villages; and*
- ii) Pass any other appropriate order/orders that this Hon’ble Court deems fit and proper in the facts and circumstances of the case.*

AND

Pending final disposal of the present Petition this Hon’ble Court may graciously please to pass an ad interim order directing the Respondent No. 2 not to make payment of compensation to any person other than the Petitioners or their Villagers in respect of the lands from 17

*to 21 Kms of NH-129 A (Maram to Peren)
road in the interest of justice.”*

[3] When the matter is taken up today, Mr. Julius D. Riamei, learned counsel for the petitioners represented that the petitioners and the respondent No. 4 are claiming the compensation amount for the acquisition of the lands by respondents No. 1 and 2 for the benefit of respondent No. 3. He further represented that the Petitioner No. 1 is the Chairman of Chowainamei Khunou Village Authority and the Petitioner No. 2 is the Chairman of Chowainamei Khullen Village Authority, a Village Authority constituted under the Manipur (Village Authorities in Hill Areas) Act, 1956.

[4] He further stated that when the petitioners are claiming the compensation amount there is a claim made by the 4th respondent also. Respondent No. 4 i.e. Maopungdong Village Authority filed a representation claiming compensation for the stretch of 15 to 21 Kms of the NH-129A (Maram to Peren). The representation filed by the petitioner is also pending before the SDO, Mao-Maram Sub-Division, Tadubi claiming compensation in respect of 12-15 Km and 17-21 Km of NH-129A (Maram to Paren) Road.

[5] When the respondent No. 2 has passed an award as per Section 3G of the National Highways Act, 1956, the Respondent No. 2 is bound to refer the dispute to the competent Civil Court under Section 3H (4) of the Act, 1956.

[6] Therefore, the petitioners approached this Court and filed the present writ petition seeking the prayer as stated above.

[7] Respondents No. 1, 2 and 4 have not filed counter affidavit but respondent No. 3 has filed counter affidavit.

[8] Admittedly, a civil suit was filed before the civil court and obtained interim injunction against the defendant. In the suit it is mentioned therein not to pay compensation amount to the defendant. Accordingly, interim injunction was granted and the same is pending. Therefore, the 3rd respondent prayed this Court to dismiss this writ petition.

[9] Mr. N. Umakanta, learned counsel for the respondent No. 4 represented that a civil suit has been filed by the 4th respondent in OS No. 4 of 2022 before the learned Civil Judge (Sr. Division), Senapati, Manipur and the same is pending

against the petitioner. Therefore, he prayed this Court to dismiss the present writ petition.

[10] Mr. Sh. Shyam Sharma, learned GA appearing for the respondents No. 1 and 2 has represented that the State respondents are ready to pay the compensation amount or to deposit the amount in nationalized bank but because of the dispute between the petitioner and 4th respondent they are unable to pay or deposit the same. He also represented that he is ready to abide by the orders to be passed by this Court.

[11] Considering the arguments advanced by both the parties, it is made clear that admittedly, there is a dispute between the petitioners and the 4th respondent in respect of the compensation amount and it is appropriate that the authorities should be directed to refer the matter to the competent Civil Court as per Section 3H (4) of the National Highways Act, 1956 and then, the dispute between the petitioners and 4th respondent would be solved.

[12] Hence, I am inclined to pass the following orders :

a) *this writ petition is disposed of.*

- b) *the respondent No. 2 is directed to make reference under Section 3H (4) of the National Highways Act, 1956 to the competent Civil Court in respect of payment of compensation for the lands acquired for the construction/widening of NH-129A Maram to Paren Road from 17 to 21 Kms located at Chowainamei Khullen and Khunou Villages*

[13] With the above observations, this writ petition is disposed of.

ACTING CHIEF JUSTICE

FR/NFR

Sushil