

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL
WP(C)No.1040 of 2019**

Shri Yengkhom Biramani Singh, aged about 62 years, S/O late Y.

Ahanjao Singh, resident of Awang Leikinthabi Maning Leikai, PO & PS

Sekmai, District, Imphal West, Manipur-795136.

...Petitioner

- Versus -

1. The State of Manipur Represented by the Principal Secretary,
Education(S), Government of Manipur, Old Secretariat, Babupara,
Imphal-795001.

2. The Director of Education (S), Government of Manipur, Lamphelpat-
795004.

...Respondents

BEFORE
HON'BLE MR. JUSTICE MV MURALIDARAN

ORDER

02.02.2023

[1] Heard Mr. Athoi, learned counsel appearing for the petitioner
and Mrs. Ch. Sundari, learned GA for the State respondentS.

[2] Mr. Athoi, learned counsel appearing for the petitioner
represented that he has filed this writ petition seeking the prayer as follows:-

(a) A writ in the nature of certiorari for quashing the order No.2/371/2017-ED(S) dated 04.07.2018 issued by the respondent No.2.

(b) A writ in the nature of the mandamus directing the Respondents to remove and dismantle the abandoned school building within a stipulated period.

(c) A writ in the nature of mandamus directing the Respondents to pay adequate compensation with effect from the month of August, 2014 till the same is dismantled or in the alternative the petitioner be allowed to use the vacant/abandoned School Building for his personal purposes.

[3] After issuance of notice, the respondents have filed counter affidavits on 26.07.2022 and 19.01.2023

[4] When the matter is taken up today, Mr. Athoi, learned counsel appearing for the petitioner submitted that the respondent Nos.1 & 2 have filed their counter affidavit in which para No.5 it is stated as follows:-

“5. That, in view of the above position, the demarcation report dated 17-11-2022 of SDC Sekmai (N), Imphal West is quite contrary to the earlier findings as mentioned in the above para, therefore, re-verification/proper verification of the disputed land is highly required. As such, the Hon’ble Court may graciously be pleased to direct the SDC, Sekmai (N), Imphal West to re-verify/demarcate the disputed land and to submit

the Memorandum of demarcation along with trace map/sketch map so as to enable to ascertain the exact position of the disputed land in question.”

[5] As per the above para No.5 of the counter affidavit, it is made clear that re-verification/proper verification is highly required. Therefore, the affidavit has been filed by seeking direction to the SDC, Sekmai(N), Imphal West to demarcate the disputed land and to submit the memorandum of demarcation along with trace map/sketch so as to enable to ascertain the exact position of the disputed land in question is required in this case and, therefore, Mr. Athoi, learned counsel appearing for the petitioner represented that by recording the para No.5 of the affidavit filed by the respondent Nos. 1 & 2 dated 19.01.2023, this writ petition may be disposed of by issuing direction to the respondents.

[6] Mrs. CH. Sundari, learned GA appearing for the respondents also agreed that as per the affidavit dated 19.01.2023 the re-verification/proper verification is highly required to decide the disputed land.

[7] Recording the submission made by both the counsels and the counter affidavit in para 5 dated 19.01.2023 filed by the respondent Nos. 1 & 2, I am inclined to pass the following orders:-

(a) this writ petitioner is disposed of.

(b) the SDC, Sekmai(N), Imphal west is hereby directed to demarcate the disputed land and to submit the memorandum of demarcation along with trace map/sketch so as to enable to ascertain the exact position of the disputed land in question by the respondents to enable them to pass appropriate orders.

(c) the said exercise shall be done within a period of 3(three) months from the date of receipt of copy of this order.

JUDGE

John kom