

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

WP(C) No. 4 of 2024

Zebedee Panmei

...Petitioner/s

Vs.

Union of India & 4 ors.

...Respondent/s

B E F O R E

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

06-03-2024

Heard Mr. Romendro Sharma, learned counsel appearing for the petitioner; Mr. S. Vijayanand Sharma, learned senior panel counsel appearing for respondent No. 1 and Ms. W. Geetarani, learned counsel appearing for respondent No. 4 and Mr. H. Samarjit, learned GA appearing for respondent Nos. 2, 3 & 5.

[2] It has been submitted at the bar that so far as the claim of the petitioner with regard to the payment of compensation is concerned, the authorities have considered such claims on the basis of the representation submitted by the petitioner and the same has been rejected by the authorities by passing an order dated 11-01-2024 and that the said rejection order has been challenged by a group of affected persons including the present petitioner by filing a writ petition being WP(C) No. 69 of 2024 and the same is still pending before this Court. Accordingly, the learned counsel appearing for the petitioner submitted that the prayer for payment of compensation made by the petitioner in the present petition can be considered by this Court in the said subsequent writ petition. So far as the prayer for quashing the

impugned eviction notice is concerned, the learned counsel appearing for the petitioner submitted that the present writ petition can be disposed of by allowing the petitioner to submit a written objection to the impugned eviction notice dated 20-12-2023 issued by the Sub-Divisional Magistrate, Tousem within a period of 2(two) weeks from today and the Sub-Divisional Magistrate, Tousem can be directed to consider the said written objection submitted by the petitioner on its own merit and strictly in terms of the applicable act and rules and to dispose of the same by issuing a speaking order before taking up any eviction process. The learned counsel further submitted that pending consideration and disposal of the written objection submitted by the petitioner in connection with the impugned eviction notice, no action for evicting the petitioner be carried out.

[3] Mr. S. Vijayanand Sharma, learned senior panel counsel, Ms. W. Geetarani, learned counsel and Mr. H. Samarjit, learned GA appearing for the respondents fairly submitted that they have no objection in disposing of the present writ petition as prayed for by the learned counsel appearing for the petitioner.

[4] In view of the submission made by the learned counsel appearing for the parties, this Court is of the considered view that interest of justice will be served by issuing the following directions :-

- (i) The petitioner is given liberty to submit a written objection to the eviction notice dated 20-12-2023

issued by the Sub-Divisional Magistrate, Tousem within a period of two weeks from today.

- (ii) In the event of submitting such a written objection by the petitioner, the Sub-Divisional Magistrate, Tousem is directed to consider such written objection on its own merit and strictly in terms of the applicable act and rules and to decide the same by passing a speaking order.
- (iii) Pending consideration and disposal of the written objection submitted by the petitioner in connection with the impugned eviction notice, the respondents are directed not to evict the petitioner and his standing properties. It is also made clear that if the petitioner failed to submit his written objection within two weeks from today, the authorities are at liberty to pass any appropriate order as deem fit and proper.

[5] With the aforesaid directions, the present writ petition is disposed of.

JUDGE

Dhakshori

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DHAKESH
ORI DEVI

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