

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

WP (C) No. 31 of 2011

1. Khwairakpam Ramdhon Singh, aged about 55 years, S/o Late Kesho Singh, Sagolband Bijoy Govinda.
2. A. Imocha Singh, Secretary, The Kanhai Higher Secondary School, Sogolband Bijoygovinda, Mamang Leikai.
3. L. Bhupon, aged about 51 years, S/o (L) L. Iboyaima Singh, Sagolband Bijoygovinda Mamang Leikai.
4. Kangabam Kalachand Singh, aged about 61 years, S/o (L) K. Narendra Singh, Tera Keithel Akham Leikai.
5. Ngangom Monobi Singh, aged about 35 years, S/o Ng. Ibotombi Singh, Sagolband Tera Akham Leikai.
6. Elangbam Indrajit Singh, aged about 45 years, S/o Late Kamdeva Singh, Sagolband Mabudhon Mantri Leikai.
7. R.K. Brojendro Singh (Koba), aged about 55 years, S/o (L) R.K. Sanatomba Singh, Sagolband Bijoy Govinda.
– All of P.O. & P.S. Imphal, Imphal West District, Manipur.

..... *Petitioners*

Vs.

1. The State of Manipur, through the Commissioner/Secretary (Revenue), Government of Manipur.
2. The Commissioner/Secretary (Works), Government of Manipur.
3. The Chief Engineer, Public Works Department, Manipur.
4. The Collector, Land Acquisition, Imphal West District, Manipur.
5. The Director of Settlement and Land Records, Manipur.
6. The Executive Engineer, National Highways Division No. III, PWD, Manipur.
7. The Union of India, represented by the Secretary, Ministry of Road Transport and Highways, Government of India, New Delhi.

..... *Respondents*

B E F O R E
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

For the Petitioners : Mr. S. Inaocha, Advocate,
For the respondents : Mr. N. Ibotombi, Sr. Advocate,
Mr. Niranjana Sanasam, Govt. Advocate,
Mr. S. Vijayanand Sharma, Sr. Panel
Counsel and
Ms. Babina, Advocate.
Date of Hearing : 15.01.2024.
Date of Judgment : 14.03.2024.

JUDGMENT
(CAV)

[1] Heard Mr. S. Inaocha Meetei, learned counsel appearing for the petitioners, Mr. Niranjana Sanasam, learned Government Advocate appearing for the respondents No. 1, 2, 4 & 5, Mr. N. Ibotombi, learned senior counsel assisted by Ms. Babina, learned counsel appearing for the respondents No. 3 & 6 and Mr. S. Vijayanand Sharma, learned senior panel counsel appearing for the respondent No. 7.

[2] The present writ petition has been filed with a prayer for issuing a direction to the respondents to assess the standing properties of the petitioners affected by widening of NH-53 and to pay adequate and proper compensation, couple with a prayer to quash the order dated 04.01.2011 passed by the SDM, Lamphel, in Eviction Cril. Misc. Case No. 1 of 2011.

[3] The case of the petitioners is that they are all owners and possessors of lands under various Patta numbers and that all of them also occupied a piece of different state lands under various Dag numbers, which lines just adjacent to their private lands along the NH-37, by constructing their houses and shops for running their business.

On 13.11.2008, the Secretariat Revenue Department, Government of Manipur, issued a notification under section 6 of the Land Acquisition Act, 1894

that the lands specified in the schedule annexed to the said notification are needed for widening of NH-53 from Wahengbam Leikai to Oriental College at Village No. 85 – Sagolband and Village No. 86 – Bijoy Govinda in Imphal West District and directing the Collector (Land Acquisition), Imphal West for acquisition of the said lands. Subsequently, the Collector, land acquisition, Imphal West, issued a General Notice dated 16.01.2009 notifying that the lands described in the said General Notice and marked out and measured will be acquired by Government for widening of NH-53 and requesting all persons interested in the said land to appear personally or by agent on 06.02.2009 at the office of the Collector to state the nature of their interest in the land and the amount of particulars of their claims of compensation for the same and also to submit their objections, if any, to the measurement made under section 8 of the LA Act, 1894.

[4] As their names were not included in any of the notifications issued by the Collector, land acquisition, in connection with the land acquisition proceedings, some of the petitioners submitted a representation to the Collector for inclusion of the land possessed by them in the notification issued by the Collector. When the petitioners did not get any positive response from the Collector in connection with their representation, they again submitted another representation dated 18.01.2010 to the Deputy Commissioner, Imphal West, stating that they are affected persons by the land acquisition for expansion of NH-53 and requesting for sanctioning appropriate compensation for their rehabilitation.

[5] On receiving the said representation submitted by the petitioners, the office of the DC/Collector, Land Acquisition, Imphal West, wrote a letter dated 25.01.2010 to the Executive Engineer, National Highways Divs. No. III, PWD, Manipur, requesting for causing an enquiry and furnishing an assessment report in connection with the claim made by the petitioners. As per the said letter of the DC/Collector, staffs of the Executive Engineer, National Highways Divs. No. III inspected the sites and the standing properties of the petitioners and on the basis

of such inspection, the Executive Engineer submitted a report under a letter dated 23.03.2010 addressed to the DC/Collector stating that the names of the petitioners are not included in the notification issued by the Collector and that the authenticity of ownership, area of land to be acquired and notification for acquiring the land are to be made by the Director of Settlement and Land Records, Manipur and that the value of the standing properties can only be assessed after completion of the said formalities.

[6] After submission of the said report by the Executive Engineer National Highways Divs. No. III, the petitioners again submitted another representation dated 03.11.2010 to the Collector and the Survey and Settlement Officer-III stating, inter-alia, that they are entitled to get compensation for their standing properties and that the office of the Survey and Settlement Officer-III did not submit any report and as such they are going to suffer. As they did not get any positive results from the authorities, the petitioners approached this Court by filing the present writ petition to redress their grievances.

[7] Mr. S. Inaocha Meetei, learned counsel appearing for the petitioners submitted that in the case of one RK Saralini and some other affected land owners, who submitted applications for inclusion of their name in the land acquisition proceedings, the Collector issued addendum/corrigendum for correction of the land schedules appended to the earlier notifications issued in connection with the land acquisition proceedings by adding the names of the said persons and their lands, however, in the case of the petitioners, the Collector refused to give such equal treatment. The learned counsel also strenuously submitted that the petitioners are entitled to compensation for the standing properties allegedly constructed on the state land under the provisions of sub section 2 of section 3-G of the National Highway Act, 1956. The learned counsel also cited the judgment dated 15.09.2017 passed by the Hon'ble Apex Court in Civil Appeal No. 1699 of 2017 **"State of**

Maharashtra & Ors. vs. Reliance Industries Ltd. & Ors” (Paragraphs 54,56-58).

[8] Mr. Niranjana Sanasam, learned Government Advocate and Mr. N. Ibotombi, learned senior counsel appearing for the respondents No. 1-6 submitted that the lands and standing properties belonging to the petitioners were not acquired by the authorities in connection with the land acquisition proceedings for expansion of NH-53 and as such, the petitioners are not entitled to any compensation. It has also been submitted by the learned counsel appearing for the respondents that in order to verify the claims made by the petitioners in their representations, the authorities have carried out a spot verification and after such spot verification, the Executive Engineer, NH Div. No. III submitted a report to the DC/Collector on 23.03.2010 stating that the names of the petitioners or any of their properties were not included in the land acquisition proceedings and that the value of the standing properties of the petitioners can only be assessed after their names are included in the notifications for acquisition of their land. It has also been stated that as the petitioners have not challenged the said report submitted by the Executive Engineer, they have accepted the fact that none of their properties were included in the land acquisition proceedings and as such, the petitioners are not entitled to any compensation and that the present writ petition is liable to be dismissed as being devoid of merit.

[9] After hearing the submission advanced by the learned counsel appearing for the parties and on perusal of the records, this Court is of the considered view that it is an undisputed fact that any of the land or standing properties belonging to the petitioners were included in the notifications issued in connection with the land acquisition proceedings for expansion of NH-53. It is also an undisputed fact that after causing a spot inspection, the Executive Engineer, NH Div. No. III submitted a report to the effect that the names of the petitioners were not included in the notification published in connection with the land acquisition proceedings and that

the value of the standing properties belonging to the petitioners can be assessed only after their names are included in the notifications and that the petitioners have not challenged such report submitted by the said Executive Engineer.

Taking into consideration such undisputed facts and taking into consideration the fact that it will not be practical to direct the authorities to assess the value of the standing properties of the petitioners allegedly affected by the widening of NH-53 at this point of time, this Court is not inclined to grant the relief sought for by the petitioners in the present writ petition. Accordingly, the present writ petition is hereby dismissed, however, without any order as to costs.

JUDGE

Sapana

FR/NFR