

LAIRENM
AYUM
INDRAJE
ET SINGH

Digitally signed by
LAIRENMAYUM
INDRAJEET SINGH
Date: 2024.02.01
15:14:31 +05'30'

Item No. 40

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL
MC(PIL) No. 1 of 2024**

Laimayum Dhana Singh

Applicant

Vs.

State of Manipur & 14 ors.

Respondents

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. SIDDHARTH MRIDUL
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU KABUI**

31.01.2024

Siddharth Mridul, C.J.:

Mr. H.S. Paonam, learned senior counsel, appears on behalf of the applicant; and Mr. Lenin Hijam, learned A.G., appears on behalf of the State.

The present application has been instituted on behalf of the applicant, Laimayum Dhana Singh, praying as follows:-

"In the above facts and circumstances, it is, therefore, respectfully prayed that, Your Lordships may graciously be pleased to:-

iii) release the seize vehicle i.e. JCB 3DX Super bearing Regn. No. MN06T2154, date of Regn. 9-9-2021, Regn validity 8-9-2023, Chassis No. HAR3DXU4C02878916 and Engine No. H00310240 which was seized by the Internal Task Force, DIC on 25-5-2022 at 2 pm from Sekmai (National Highway No. 32) immediately in terms of the order dated 21-10-2023 passed in PIL No. 5 of 2019 and MC(PIL) No. 21 of 2022 and others or pass appropriate orders for release of the vehicle of the applicant in accordance with law;

AND

iv) pass any such further order (s) or direction (s) as to this Hon'ble Court deem fit and proper to secure the ends of Justice."

Our attention has been invited to the order passed by this Court on 20.10.2023 in PIL No. 5 of 2019 & MC(PIL) No. 21 of 2022 and ors., wherein it was directed as follows:-

"[12] Regarding those cases mentioned in Table – B when FIRs have not been registered, this court is of the view that these applications can be considered in term of the undertaking given by them in the form of affidavit. Accordingly, the applications stand disposed of with the following directions:

1. *the applicants shall not carry on the business of lifting sand and stone for selling until the permit is issued by the state government in accorded with law and*
2. *the applicants shall co-operate with the investigation.*
3. *the applicants shall deposit a sum of Rs. 10,000/- (Ten Thousand only) for Truck and Tractor and Rs. 20,000/- (Twenty Thousand only) for Excavator and earth mover vehicles such as JCB, Poclain, etc to the Manipur High Court Legal Services Committee.*
4. *the direction above shall complied with within 2 weeks from the date of receipt of copy of this order.*
5. *On submission of the requisite undertaking and proof of deposit of amount as indicated above, the vehicles shall be released to the owners/applicants."*

In view of the foregoing, it is urged by Mr. H.S. Paonam, learned senior counsel appearing on behalf of the applicant, that since it is the stand of the State of Manipur that an FIR has been registered against the applicant in relation to the subject vehicle, Rs. 20,000/- (Twenty thousand) deposited by him to the High Court Legal Service Committee, High Court of Manipur at Imphal, be refunded to them whilst also granting liberty to file an appropriate proceeding before the Special Court (MMDR), Manipur, seeking the relief prayed for in the application.

Mr. Lenin Hijam, learned Advocate General appearing on behalf of the State of Manipur, fairly does not oppose this application in view of the stand that an FIR has been registered against the applicant in the relation to the subject case.

In view of the foregoing, the application is disposed of with the direction to the authority to refund Rs. 20,000/- (Twenty thousand) and further the applicant is granted liberty to approach the Special Court in terms of the directions issued by this Court vide order dated 20.10.2023 in accordance with law for the relief prayed for in the application.

JUDGE

CHIEF JUSTICE