

IN THE HIGH COURT OF MANIPUR
AT IMPHAL
WP(C) No. 611 of 2009

Shri Angomjambam Bike Singh, aged about 54 years, S/o A.
Yaima Singh of Sagolband Sayang Pukhri Mapal, P.O. and P.S.
Imphal, Imphal West District, Manipur.

... Petitioner

-Versus-

1. The State of Manipur through the Chief Secretary to the Government of Manipur, Imphal.
2. The Commissioner (Fisheries), Govt. of Manipur, Imphal.
3. The Commissioner (Revenue), Govt. of Manipur, Imphal.
4. The Director of Fisheries, Government of Manipur, Imphal.
5. The Deputy Commissioner, Imphal East District, Manipur.
6. The Luwangshangbam Pisciculture Co-operative Society Ltd. Through its President having its registered office at Luwangshangbam, P.S. Heingang, Imphal East District, Manipur.

... Respondents

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

For the petitioner	::	Mr. T. Rajendra, Sr. Advocate asstd. by Md. Shakir Khan, Advocate
For the respondents	::	Mr. M. Rarry, Advocate
Date of hearing	::	31-01-2024
Date of judgment	::	14-05-2024

J U D G M E N T

[1] Heard Mr. T. Rajendra, learned senior counsel assisted by
Md. Shakir Khan, learned counsel appearing for the petitioner and

Mr. M. Rarry, learned counsel appearing for the State respondents.
None appeared for the private respondent.

[2] The present petition had been filed praying for –

- (i) Quashing and setting aside the order dated 06-06-2009 issued by the Secretariat, Fishery Department rejecting the request made by the petitioner for acquisition of his land under Patta No. 1/328 (old)/ 280(new) covered by C.S. Dag No.1420 on the ground that the said land was no longer required for fishery purposes and also returning the said land to the Revenue Department, Manipur for taking further necessary action;
- (ii) Quashing and setting aside the letter dated 27-06-2009 from the Secretariat, Fishery Department addressed to the Commissioner (Revenue), Government of Manipur, requesting the latter to take up further necessary action for possession of the land under Patta No. 1/328(old)/ 280(new) covered by C.S. Dag No. 1420;
- (iii) Quashing and setting aside the order dated 18-02-2010 issued by the Secretariat, Fishery Department according sanction to the extension of lease term of Irong Nala in favour of Luwangshangbam Pisciculture Co-operative Society for a term of five years w e.f. 01-04-2007 to 31-03-2012;
- (iv) Quashing and setting aside the letter dated 30-11-2013 from the District Fishery Officer, Imphal East, addressed to the Chairman/ Secretary, Luwangshangbam Pisciculture Co-operative Society

[3]

Limited requesting the latter to attend the District Fishery Office, Imphal East for discussing the extension of the lease term for a period of five years; and

- (v) Directing the official respondents to put the petitioner in possession of the land in question and also for giving an adequate compensation to the petitioner for the losses suffered by him.

[3] The case of the petitioner in brief is that the petitioner purchased two pieces of land – (i) under Patta No. 1/327 (old)/ 143/403 (new) covered by C.S. Dag No. 1541 measuring an area of 1.01 acre and (ii) under Patta No. 1/328 (old)/ 280 (new) covered by C.S. Dag No. 1420 measuring an area of 1.14 acre from one Shri Mayanglambam Thoiba Singh by executing a registered Deed of Sale dated 10-03-1969 (hereinafter referred to as the **"Suit Land"**, for short). After the said purchase with delivery of possession, the petitioner through his men was in exclusive possession and enjoyment of the suit land till the year 1974. In the beginning of the year 1975, the petitioner was dis-possessed by the Luwangshangbam and Matai Pisciculture Co-operative Society by alleging that the State Government has withdrawn the de-reservation order and the suit land had been reverted to Fishery and allotted to the said Luwangshangbam and Matai Pisciculture Co-operative Society on lease.

[4] Feeling aggrieved, the petitioner filed a civil suit registered as Original Suit No. 23 of 1979 in the court of learned Munsif, Imphal East against the State Government and the said Co-operative Society

[4]

(respondent No. 6 herein). The learned Munsif, Imphal East decreed the suit in favour of the petitioner by passing a judgment and decree dated 30-09-1985 by ordering that the possession of the suit land be delivered to the petitioner by vacating the present respondent No. 6 and also directing that the respondents shall pay to the petitioner mesne profit @ Rs. 300/- each of the suit land per annum from the date of dis-possession of the petitioner by the respondents till the delivery of possession of the suit land to the petitioner.

When the respondent No. 6 failed to vacate from the suit land despite the aforesaid judgment and decree passed by the learned Munsif, Imphal East, the petitioner filed an Execution Case No. 1 of 1992 for executing the said decree dated 30-09-1995 and in the said Execution Case, the possession of the suit land was delivered to the petitioner by an order dated 28-05-1993 passed by the learned Munsif, Imphal East in the said Execution Case.

[5] In the month of December, 1995, the respondent No. 6 with the assistance of the State machineries forcibly took possession of the suit land on the ground that the same has been given to them on lease by the State Government and the petitioner was deprived of his peaceful enjoyment of his own property. It is the case of the petitioner that he is the absolute owner of the suit land and the same has been confirmed by the competent court, however, the State Government without any right and authority gave the suit land to the respondent No. 6 on lease and the petitioner was dis-possessioned from the suit land by the respondent No. 6. Thereafter, the

period of lease was also extended from time to time by the State Government and even after expiry of the lease period, the respondents are taking up steps for extension of the term of lease. It is also the case of the petitioner that the respondents have deprived him of the enjoyment of his lawfully acquired property without following due process of law and by taking the law in their hands.

[6] Feeling aggrieved, the petitioner filed a writ petition being WP(C) No. 208 of 2004 before the Hon'ble Gauhati High Court praying, inter alia, for a direction to the respondents to take up appropriate land acquisition proceedings if the suit land was needed for the purpose of giving on lease to the Cooperative Pisciculture Societies. The Hon'ble Gauhati High Court disposed of the said writ petition on 30-01-2008 by directing the petitioner to make a representation to the Commissioner (Fisheries), Government of Manipur within a period of two weeks stating all his grievances and the court also directed the Commissioner (Fisheries), Government of Manipur to examine the said representation and to pass necessary orders within a reasonable period. In compliance with the direction of the Hon'ble High Court, the petitioner submitted a representation dated 07-02-2008 to the Commissioner (Fisheries), Government of Manipur stating, inter alia, that if the suit land is needed for the purpose of giving it on lease to Pisciculture Societies, let the suit land be acquired by paying adequate compensation or to give back the suit land to the petitioner with adequate damages for the losses suffered by the petitioner due to deprivation of his peaceful enjoyment of the suit land for a long period without any authority of law.

[6]

[7] After considering the aforesaid representation submitted by the petitioner, the Secretary (Fishery), Government of Manipur, issued an order dated 06-06-2009 thereby rejecting the request made by the petitioner in his representation on the ground that the said suit land was no longer required for fishery purposes and also returning the disputed land to the Revenue Department, Manipur, for taking further necessary action. Just a few days after passing the said order, the Secretariat, Fishery Department, also wrote a letter dated 27-06-2009 to the Commissioner (Revenue), Government of Manipur requesting for taking up further necessary action for possession of the returned suit land.

[8] It is also the case of the petitioner that even though the State Government stated in the aforesaid order dated 06-06-2009 and letter dated 27-06-2009 that the period of lease was not extended after 31-03-2007, the petitioner found out that by an order dated 18-02-2010 issued by the Secretariat, Fishery Department, the period of lease given to the respondent No. 6 was extended for another term of five years w e f. 01-04-2007 to 31-03-2012 and that the Office of the District Fishery Officer, Imphal East, also took up steps for extension of the period of lease in favour of the respondent No. 6 as revealed by the letter dated 30-11-2013 of the Office of the District Fishery Officer, Imphal East. Having been aggrieved, the petitioner filed the present writ petition challenging the said orders dated 06-06-2009, 18-02-2010 and letters dated 27-06-2009 and 30-11-2013.

[9] By drawing the attention of this court to the letter dated 23-12-2022 of the Office of the Assistant Survey & Settlement Officer-X,

DS & LR, Manipur, which is enclosed as Annexure – M/1 of the affidavit-in-opposition filed by the Commissioner (Revenue), Government of Manipur in the connected MC(WP(C)) No. 196 of 2010 (Ref:- WP(C) No. 611 of 2009), it has been submitted by Mr. M. Rarry, learned counsel appearing for the official respondents that the AS & SO-X along with the concerned Mandols of the DS & LR, Manipur conducted an enquiry in respect of the suit land under Patta No. 280 (new) covered by C.S. Dag No. 1420 measuring an area of 1.14 acre and under Patta No. 143/403 (new) covered by C.S. Dag No. 1541 measuring an area of 1.01 acre recorded in the name of the petitioner and submitted a report to the effect that the said suit land are not included in the area leased to the respondent No. 6 by the Director of Fisheries, Manipur. The learned counsel further submitted that as the suit land belonging to the petitioner are not included in the area leased out to the respondent No. 6 by the Director of Fisheries, there is no question of giving any compensation to the petitioner for any losses as alleged by him and that the writ petition deserve to be dismissed outright.

[10] Mr. T. Rajendra, leaned senior counsel appearing for the petitioner submitted that the so called enquiry conducted by the AS & SO – X was carried out without giving any notice and behind the back of the petitioner and without giving the petitioner any opportunity to have a say while carrying out such enquiry. The learned senior counsel vehemently submitted that the petitioner denied the report submitted by the AS & SO – X and that the petitioner is entitled to get the relief sought by him in the present writ petition.

[11] I have heard the rival submissions advanced by the learned counsel appearing for the parties and also carefully examined all the materials available on record. So far as the prayer made by the petitioner for quashing the impugned orders dated 06-06-2009, 18-02-2010 and letters dated 27-06-2009 and 30-11-2013 are concerned, this court is of the considered view that such prayer has become infructuous due to efflux of time and subsequent developments which occurred after filing of the present writ petition, more particularly when there is no material available on record to show that the period of lease in favour of the respondent No. 6 has been extended after 31-03-2012.

The only point which remains for consideration is whether the petitioner is entitled to any compensation or not. In this regard, the claim of the petitioner is that the respondent No. 6 with the assistance of the State machineries forcibly took possession of the suit land by dis-possessing the petitioner from his land and such illegal acts of the respondents have deprived the petitioner from the peaceful enjoyment of his own property. As such, the petitioner is entitled to adequate compensation for the losses suffered by him. On the other hand, the stand of the official respondents is that on an enquiry being made by the officials of the State Government in connection with the suit land, it was found out that the suit land was not included in the area leased to the respondent No. 6 and as such, the petitioner did not suffered any losses and as such, the petitioner is not entitled to get any compensation.

[12] On careful examination of the record of the present case, this court did not find any material to decide whether the suit lands were included in the area leased to the respondent No. 6 or not. Since there is no material available on record to decide the factual dispute raised by the parties, this court cannot grant the relief for payment of compensation as claimed by the petitioner in the present writ petition. It is, however, made clear that the petitioner is at liberty to make claims for payment of compensation against the respondents in an appropriate proceeding.

So far the prayer for putting the petitioner in possession of the land in question is concerned, as the court of Munsif, Imphal East, had already passed a judgment and decree dated 30-09-1985 in O.S. No. 23 of 1979 in favour of the petitioner and as the petitioner has already filed an Execution Case being Execution Case No. 1 of 1992 before the court of Munsif, Imphal East, he is also at liberty to pursue the matter in accordance with law.

With the above observations and directions, the present writ petition is hereby disposed of. There will be no order as to cost.

JUDGE

FR / NFR

Devananda