

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

WP(C) No. 358 of 2012

Shokhojam @ S Lhungdim

Vs.

State of Manipur

...Petitioner/s

...Respondent/s

B E F O R E

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

07-03-2024

Heard Mr. Ng. Kumar, learned counsel appearing for the petitioner and Mr. Niranjan Sanasam, learned GA appearing for the respondents.

[2] The present writ petition had been filed assailing the orders dated 17-06-2006 and 22-05-2008 issued by the Deputy Commissioner, Churachandpur thereby allotting the land measuring an area approximately about 157 acres, buildings and other structures therein in favour of the 1st IRB to set up their Battalion Headquarters.

[3] The learned counsel appearing for the petitioner submitted that the petitioner have questioned the validity or legality of the impugned orders only on the ground that the Deputy Commissioner has no power or jurisdiction to issue the impugned allotment orders.

[4] The stand taken by the respondents is that the present land in dispute have been acquired by the government by invoking the provisions of Land Acquisition Act, 1984 for the public purposes i.e. for use by the Manipur Police Department and after paying adequate

compensation to the land owners/claimants. After completion of the acquisition proceeding, the Deputy Commissioner, Churachandpur issued the impugned allotment orders transferring the acquired land in favour of the 1st IRB and as such no illegality has been committed by the Deputy Commissioner by issuing the impugned allotment orders.

[5] During the midst of hearing, it has been pointed out by Mr. Ng. Kumar, learned counsel that the petitioner No. 1 had already filed a Civil Suit being O.S. No. 5 of 2011 in the Court of Civil Judge (Jr. Division) Churachandpur claiming for the following reliefs :-

“12. The Plaintiff claims the following Relief(s) :-

- (a) A DECREE for DECLARATION of TITLE that the Plaintiff is the Lawful Owner having possession of the SUIT LAND;
- (b) A DECREE DECLARING that the actions of the Defendants is VOID, ILLEGAL, NOT BINDING on the Plaintiff and having no FORCE OF LAW;
- (c) A DECREE for PERMANENT INJUNCTION against the Defendants whereby restraining them from entering upon the Suit Land under the cover of any claim of rights, title or ownership, etc., except with their official duties of administration relating to maintenance of Law and Order;

(d) Any other relief or reliefs as the Hon'ble Court may deem fit and proper under Law Equity, including the cost of the Suit."

[6] On perusal of the pleadings made in the plaint of the said Civil Suit, it transpires that the issue of the said land acquisition has also been raised and the petitioners as plaintiff in the same suit has also claimed for a Decree declaring that the actions of the defendants is void, illegal and not binding.

[7] As the defence set up by the respondents is based on the land acquisition proceedings and as the validity or legality of the land acquisition proceeding is sub-judice before the Court of Civil Judge (Jr. Divn.) Churachandpur in Original Suit No. 5 of 2011 filed by the petitioner No. 1, this Court is of the considered view that unless and until the question of legality or validity of the land acquisition proceeding is decided by the competent Civil Court, this Court cannot decide the issues raised by the petitioner in the present writ petition.

[8] In view of the above, this Court is not inclined to entertain the present writ petition and accordingly, the present writ petition is hereby closed. However, it is made clear that closing of this writ petition will not bar the petitioner to pursue his remedies in the pending civil suit or any appropriate proceeding if so advised.

[9] With the above findings and observations, the present writ petition is hereby closed. It is, further made clear that if the petitioner is in actual possession of the land in dispute till today, he should not be evicted without following due process of law.

JUDGE

Dhakeshori

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DHAKESH
ORI DEVI

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