

Item No. 63

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL****PIL No. 17 of 2022**

Aheibam Nandakumar Singh

Petitioner**Vs.**

State of Manipur and 5 Others

Respondents

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. SIDDHARTH MRIDUL
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU KABUI****15.05.2024*****Siddharth Mridul, C.J.:***

Mr. Kh. Tarunkumar, learned senior counsel, appears on behalf of the petitioner; Mr. M. Devananda, learned Addl. AG, appears on behalf of the State of Manipur and Mr. A. Priyokumar Sharma, learned counsel, appears on behalf of respondent No. 6.

The present public interest litigation has been instituted on behalf of Shri Aheibam Nandakumar Singh, the petitioner, praying as follows:

"In the premises aforementioned, it is most respectfully prayed that Your Lordships may be pleased to :-

- i) Call for the records of the case and issue rule-nisi calling upon the respondents to show cause as to why the prayer prayed for by the petitioner shall not be granted. And, after hearing them make the rule absolute.
- ii) issue a writ of mandamus by directing an independent investigating agency including the department of Vigilance and

Anti-Corruption (Cell), Govt. of Manipur to investigate into the construction of (a) Public Water Reservoir at Khamaran Ward No. 6 (b) Public toilet at Khongampat Khunou Community Hall (c) Irrigation pipeline from Leimakhong river to Laikoipat Community Pond at Khongampat Awang Leikai Ward No. 1 and (d) Pond at Khongampat Awang Leikai under Khongampat Gram Panchayat, Imphal West District, Manipur and to punish the public officials who are found to be involved in misappropriation of public fund as per the findings of the investigation.

- iii) direct the State Respondents to construct the said structures for the benefit of the villagers living in the abovesaid village within a stipulated period.
- iv) pass any other appropriate writ/order/direction that this Hon'ble Court deems fit and proper."

In sum and substance, it is the allegation of the petitioner that the private respondent has inter alia, misappropriated public funds in relation to the construction of (a) Public Water Reservoir at Khamaran Ward No. 6 (b) Public toilet at Khongampat Khunou Community Hall (c) Irrigation pipeline from Leimakhong river to Laikoipat Community Pond at Khongampat Awang Leikai Ward No. 1 and (d) Pond at Khongampat Awang Leikai under Khongampat Gram Panchayat, Imphal West District, Manipur inasmuch as the construction of the same has never been undertaken. It is an admitted position that the petitioner has rushed to this Court by way of the present proceeding without having approached the appropriate authorities in this behalf.

Therefore, in view of the decision of the Hon'ble Supreme Court in the case of **Sakiri Vasu Vs. State of U.P. and others, reported as (2008) 2 SCC 409**; Mr. Kh. Tarunkumar, learned senior counsel appearing on behalf of the petitioner, seeks leave to withdraw this PIL with liberty to initiate appropriate criminal proceedings against the alleged perpetrators of the criminal offence before the Magistrate/Police Station having territorial jurisdiction over the place where the commission of the alleged offence has taken place, in accordance with law, in the first instance.

Leave and liberty granted.

The present public interest litigation is dismissed as withdrawn.

JUDGE

CHIEF JUSTICE

Sushil