

IN THE HIGH COURT OF MANIPUR

AT IMPHAL

WP (C) No. 403 of 2023

Mr. Rolly Hongam, aged about 40 years, S/o Late H. Angting Monsang of Chandel Village, P.O., P.S. and District – Chandel, Manipur.

... Petitioner

-Versus-

1. The Union of India represented by the Secretary, Ministry of Telecommunication (Bharat Sanchar Nigam Ltd.), Govt. of India, New Delhi – 110011.
2. The Chief General Manager, Task Force, Bharat Sanchar Nigam Ltd., North East Region, Gauhati -781001.
3. The State of Manipur, represented by the Secretary/ Commissioner (Revenue), Govt. of Manipur, Old Secretariat, South Block, Pin No. 795001.
4. The Deputy Commissioner/ Chandel, Govt. of Manipur, Chandel, Pin No. 795127.

... Respondents

B E F O R E

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

For the Petitioner	::	Mr. N. Biren, Advocate
For the respondents	::	Mr. S. Kaminikumar, CGSC; Mr. B.R. Sharma, CGSC & Mr. Niranjana Sanasam, GA
Date of Hearing	::	08-12-2023
Date of Judgment & Order	::	11-01-2024

JUDGMENT & ORDER

[1] Heard Mr. N. Biren Singh, learned counsel appearing for the petitioner, Mr. S. Kaminikumar, learned CGSC appearing for the respondent No. 1, Mr. B.R. Sharma, learned CGSC appearing for the

respondent No. 2 and Mr. Niranjana Sanasam, learned GA appearing for the respondents No. 3 and 4.

The present writ petition had been filed with the prayer for directing the respondents to implement the judgment and order dated 06-01-2011 passed by the Gauhati High Court, Imphal Bench in WP(C) No. 141 of 2003 within a stipulated period and also for directing the respondents to pay adequate land compensation for the land of the petitioner taken over by the respondents.

[2] The relevant facts of the present case, in brief, are that the petitioners' father, namely Shri H. Angting/ Angtin Monsang was the Chief of Japhou village, Chandel and he died on 09-03-2017. During the life time of the petitioner's father, he donated a piece of land measuring 400 ft. x 100 ft. for establishment of Ultra High Frequency Telecommunication Link at Chandel District under Micro Wave Project under the terms and conditions of appointing his son against a Grade-III or Grade-IV post in the Post and Telegraph Department or any suitable Department by executing a Kachha Deed dated 22-05-1984, which is enclosed as Annexure R/4 to the affidavit-in-opposition filed by the respondent No. 4. The said land was donated by the petitioner's father on the requisition being made by the respondents No. 1 and 2 through the respondents No. 3 and 4. Later on, the Secretariat Revenue Department issued an order dated 30-10-1984 allotting the land donated by the petitioner's father in favour of the Post and Telegraph Department for the purpose of setting up Ultra High Frequency Telecommunication Link at Chandel District.

[3] When the authorities, who acquired the land donated by the petitioner's father, failed to give any appointment in terms of the conditions stipulated while donating the land, the petitioner's father filed a writ petition being WP(C) No. 141 of 2003 before the Gauhati High Court with the prayer for directing the Commissioner, Revenue Department, Government of Manipur and the Deputy Collector, Chandel District, to initiate land acquisition proceedings for the land occupied by the BSNL, the respondents No. 1 and 2 herein, for establishment of the Micro Wave Centre and also for the land utilized for constructing the approach road leading to the said centre having a total area of 1.68 acres approximately and to pay the compensation for the land. The said writ petition was disposed of by a judgment and order dated 06-01-2011 with the following directions:-

“13. In the above factual background, this writ petition is disposed of by directing the respondents- 3 and 4 to acquire the said land under the Land Acquisition Act, 1894 and the award should be prepared by the Collector for the said land and the amount of the award should be borne by the respondents-1 and 2. The whole exercise for acquisition of the said land and preparation of the award should be completed within a period of 4 (four) months from the date of receipt of the certified copy of this order.”

[4] Pursuant to the directions given by the High Court, the Secretariat, Revenue Department, Government of Manipur, issued a notification dated 23-09-2011 under Section 4(1) of the Land Acquisition Act, 1894 notifying that the land having an area of 2.62 acres as described in the said notification was likely to be needed for public purpose, i.e., for establishment of Micro Wave Centre and its approach road at Japhou

Village in Chandel District. In the said notification, the owner of the land proposed to be acquired, is shown as the father of the present petitioner. Subsequently, the Deputy Collector, Chandel issued another notice dated 31-07-2012 under Section 9 of the Land Acquisition Act, 1894 calling objections or complaints to the proposed acquisition of land. Thereafter, no further steps were taken up by the authorities for acquisition of the said land. Having been aggrieved, the petitioner approached this court by filing the present writ petition for redressing his grievances.

[5] Mr. N. Biren, learned counsel appearing for the petitioner submitted that in the writ petition being WP(C) No. 141 of 2003 filed by the father of the present petitioner, the Gauhati High Court, Imphal Bench, have given specific directions to the respondents to acquire the land taken over by the BSNL under the Land Acquisition Act, 1894 and the award so passed or prepared by the Collector for the said land should be borne by the BSNL. The respondents have not challenged the said judgment and order dated 06-01-2011 passed in WP(C) No. 141 of 2003 till today and as such, the matter has attained finality. It has further been submitted by the learned counsel that pursuant to the direction given by the High Court, the Secretariat, Revenue Department as well as the Deputy Collector, Chandel issued notifications under Section 4 & 9 of the Land Acquisition Act for acquiring the land taken over by the BSNL, however, quite surprisingly and without any valid reason, the respondents No. 3 and 4 have stopped the land acquisition proceedings and the petitioner had been deprived of getting any compensation for his land taken over by the BSNL. The learned counsel, accordingly, submitted that the present writ petition may be

disposed of by directing the respondents to complete the land acquisition proceedings and to pay the land compensation amount for the land taken over by the BSNL within a stipulated period by way of implementing the earlier directions given by the Gauhati High Court.

[6] Mr. S. Kaminikumar, learned CGSC and Mr. B.R. Sharma, learned CGSC appearing for the respondents No. 1 and 2 respectively submitted that as the respondents No. 3 and 4 have not completed the land acquisition proceedings in terms of the earlier directions given by the Gauhati High Court, the respondents No. 1 and 2 cannot pay any compensation amount for the land acquired by them. The learned counsels also submitted that the respondents No. 1 and 2 are not contesting the present writ petition and that any appropriate order as deem fit and proper may be passed by this court.

[7] Mr. Niranjana Sanasam, learned GA appearing for the respondents No. 3 and 4 submitted that as the land in question was allotted by the Government in favour of the Post and Telegraph Department for setting up Ultra High Frequency Telecommunication Link at Chandel under Micro Wave Project by issuing an allotment order dated 30-11-1984, there is no question for payment of land compensation to the petitioner. It has also been submitted by the learned GA that the land in question being a Government land, the need for acquiring the said land under the Land Acquisition Act does not arise, therefore, the earlier notifications dated 23-09-2011 and 31-07-2012 should not have been issued to initiate land acquisition proceedings. The learned GA lastly submitted that the present writ petition is devoid of merit and the same is liable to be rejected.

[8] The undisputed fact as revealed from a close scrutiny of the records is that the land in question was donated by the father of the petitioner for establishment of Ultra High Frequency Telecommunication Link at Chandel District Headquarter on the terms and conditions that his son should be appointed against a Grade-III or Grade-IV post in the Post and Telegraph Department or any suitable Department by executing a Kachha Deed dated 22-05-1984. On examination of the said Kachha Deed, it cannot also be ascertained as to whom the said land was donated and as such, any claim made by the State respondents that the said land is a Government land is without any basis. Moreover, all the respondents have not denied the fact that the said land belongs to the father of the petitioner and that the said land is a private land. If that is so, the Government has no authority or power for allotting the land which belongs to a private individual. It is also an undisputed fact that the donation of the land was subject to the terms and conditions that the authorities should appoint the son of the donor against any suitable Grade-III or Grade-IV post in the Post and Telegraph Department or any other suitable Department. When the authorities failed to fulfil the terms and conditions for donating the land in question, in my considered view, the donor has every right to reclaim the donated land or to claim for payment of compensation for the said land. Moreover, since the respondents have not challenged the earlier directions given by the Gauhati High Court, Imphal Bench in its judgment and order dated 06-01-2011 passed in WP(C) No. 141 of 2003 till today, the matter has attained finality and the respondents are duty bound to implement such directions given by the High Court. Accordingly, the respondents are hereby directed to

[7]

implement and carry out the directions given by the Gauhati High Court, Imphal Bench in its judgment and order dated 06-01-2011 passed in WP(C) No. 141 of 2003 as early as possible but not later than six months from today.

With the aforesaid directions, the present writ petition is disposed of. Parties are to bear their own costs.

JUDGE

FR / NFR

Devananda