

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No. 600 of 2021

KT. Divenson Anal

Vs.

State of Manipur & anr.

With

WP(C) No. 566 of 2021

...Petitioner/s

...Respondent/s

- B E F O R E -

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

05.08.2024

Heard Mr. Wungpam Yangya, learned counsel appearing for the petitioners and Mr. Niranjana Sanasam, learned GA appearing for the respondents.

[2] As there is common question of facts and law involved in these two petitions, the same are being disposed of by this common judgment.

[3] A land acquisition proceeding was initiated by the Collector (LA), Chandel District, Manipur for acquisition of land for construction/improvement of road from Km 18.00 Chandel District to Km 39.581 Khambathel in 11 (Eleven) villages in Chandel District, Manipur. After following due process of law, the Collector passed an award dated **03-09-2019**. Having been not satisfied with the said compensation award, the present petitioners filed objections dated **03-10-2019 & 20-02-2020** to the aforesaid Collector raising their

objections to the award and requesting the Collector to refer their objections to the appropriate authority as provided under sec. 64 of the **Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013** (for brevity, 'the Act of 2013').

[4] When the Collector did not take up any positive action with regard to the objection raised by the petitioners, the petitioners approached this Court by filing two writ petitions being WP(C) No. 455 of 2021 and WP(C) No. 457 of 2021 for redressing their grievances. The said two writ petitions filed by the present petitioners were disposed of by this Court along with another writ petition being WP(C) No. 456 of 2021 by a common order dated 06-07-2021. The operative portion of the order passed by this Court are reproduced hereunder for ready reference :-

"[2]. The Government of Manipur initiated land acquisition proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for brevity, 'the Act of 2013'), in relation to 35.443 hectares of land in 11 (eleven) villages in Chandel District, State of Manipur, for construction/improvement of the Road from Km. 18.00 Chandel District to Km. 39.581 Khambathel. The Deputy Commissioner, Chandel, being the Collector (LA), quantified the compensation payable for the land acquired under Award dated 03.09.2019. Aggrieved by the quantum of compensation and the R & R measures provided therein, the petitioners in these three writ petitions submitted representations during October and December, 2019, to the Deputy Commissioner/Collector (LA), Chandel District, seeking enhancement of compensation in terms of Section 64 of the Act of 2013. They also claim to have submitted reminders thereafter in February, 2020, but to no avail. Complaining of inaction on the part of the competent authority in making a

reference to the Civil Court under Section 64 of the Act of 2013 for enhancement of the land acquisition compensation and for payment of rehabilitation and resettlement compensation, the petitioners are before this Court.

"[3]. Section 64 of the Act of 2013 provides that any interested person who has not accepted a land acquisition award may, by written application to the Collector, require that the matter be referred by the Collector for determination of the authority as to his objections, be it as to the land measurement; or the amount of compensation; or the person to whom it is payable; or the rights of rehabilitation and resettlement; or the apportionment of compensation amongst the interested persons. The first proviso to the aforesaid statutory provision requires the Collector to make the reference to the appropriate authority within 30 days from the date of receipt of the application. The second proviso states that in the event the Collector fails to make a reference, the applicant may directly apply to the authority requesting it to direct the Collector to make the reference within a stipulated time.

It is therefore clear that the Collector is enjoined with the statutory duty to act upon the application submitted to him in terms of the aforesaid statutory scheme. If the application is not in keeping with the prescribed procedure, it would be incumbent upon the Collector to return the application stating the reasons therefor. In any event, it would not be open to the Collector to remain somnolent and unmoved after receipt of an application by an interested person under Section 64 of the Act of 2013.

"[4]. As the complaint of the petitioners is that the Deputy Commissioner/Collector (LA), Chandel District, has not taken any action whatsoever upon their representations/reminders, it would suffice in the interest of justice if a direction is given to the said authority to take appropriate action as it deems fit in terms of the statutory scheme within a time frame.

"[5] Mr. S. Niranjana, learned Government Advocate, appearing for the authorities, states that he has no objection to this course of action being adopted.

"[6] The writ petitions are accordingly disposed of directing the Deputy Commissioner/Collector (LA), Chandel District, to take appropriate and necessary action upon the representations/reminders submitted by the petitioners in relation to the Award dated 03.09.2019 in Land Acquisition Case No. DC(CDL)/4/B-3/CDL-KBL/14 within one month from the date of receipt of a certified copy of this order ,under proper intimation to the petitioners."

[5] Despite the clear-cut direction and order passed by this Court which is quoted herein above, the Collector passed an order dated 06-08-2021 thereby rejecting the written objection submitted by the petitioner after considering it on merit. Having been aggrieved, the petitioners approached this Court again by filing the present writ petitions challenging the said order dated **06-08-2021** passed by the Collector/ Deputy Commissioner, Chandel couple with a prayer for issuing a direction to the Collector/Deputy Commissioner, Chandel to make a reference to the appropriate authority under section 64 of the act for a just determination of quantum of compensation of the land acquired as well as for payment of rehabilitation and resettlement compensation to the petitioners.

[6] I have heard the submission advanced by the learned counsel appearing for the parties and also considered the materials available on record. The only issue which needs to be decided in the present writ petitions is whether the Collector is empowered / authorized to consider and decide on merit the objections/applications submitted by the petitioners against the award seeking enhancement of the compensation amount, without

making a reference to the appropriate authority as provided under section 64 of the act of 2013.

[7] Under Section 64 of the act, it is provided that any interested person who has not accepted the land acquisition award may, by written application to the Collector, require that the matter be referred by the Collector for determination of the authority as to his objections, be it as to the land measurement; or the amount of compensation; or the person to whom it is payable; or the rights of rehabilitation and resettlement; or the apportionment of compensation amongst the interested persons. Under the First *Proviso* to the aforesaid section 64, it is provided that the Collector shall, within a period of 30 days from the date of receipt of the application, make reference to the appropriate authority.

[8] In the present case, despite the clear-cut provisions of section 64 of the act and despite the clear-cut order and direction given earlier by this Court in its order dated 06-07-2021 passed in WP(C) No. 455 of 2021 and two other analogous cases, the Collector considered and decided the written objections submitted by the petitioners on merit by passing the order dated 06-08-2021 impugned herein.

[9] In my considered view the act of the Collector, Chandel in passing the said impugned order dated 06-08-2021 is contrary to the statutory provision provided under section 64 of the act and the order dated 06-07-2021 passed by this Court in WP(C)No. 455 of

2021. This Court is also considered view that the Collector, Chandel has no power and jurisdiction to consider the written objection submitted by the petitioners and decided it on merit and as such the impugned order dated **06-08-2021** is not sustainable in the eyes of law. Accordingly, the impugned order dated 06-08-2021 is hereby quashed and set aside and the Collector/Deputy Commissioner, Chandel (respondent No. 2) herein is hereby directed to refer the aforesaid two written objections submitted by the petitioners to the appropriate authority as provided under section 64 of the act and in terms of the earlier direction given by this Court. The whole process should be completed within a period of 4(four) weeks from the date of receipt of a certified copy of this order.

[10] With the aforesaid orders, the present writ petitions are hereby disposed of.

JUDGE

Dhakeshori