

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

WP(C) No. 717 of 2018

Shri Kshetrimayum Jiten Singh

...Petitioner/s

Vs.

State of Manipur

...Respondent/s

- B E F O R E -

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

24.07.2024

Heard Mr. Th. Ibohal, learned senior counsel assisted by Mr. LN Ngamba, learned counsel appearing for the petitioner; Mr. Niranjan Sanasam, learned GA appearing for respondent Nos. 1 & 2 and Mr. S. Samarjeet, learned senior panel counsel appearing for respondent Nos. 3 to 6.

[2] The case of the petitioner is that the petitioner is the owner of the land under Dag No. 334 (new) covered by Patta No. 1153 (new) of village No. 59-Kakching measuring .52 acres. As the said land of the petitioner lies adjacent to the East of the compound occupied by the 39th Bn. Assam Rifles, Old Airport, Kakching, the authorities of the Assam Rifles started encroaching upon the said land of the petitioner since 2001 and two other private lands belonging to other individuals since 2001 by erecting barbed wire fencing. It is the case of the petitioner that because of the encroachment made by the authorities of the Assam Rifles, the petitioner has been prevented from carrying out agricultural

activities and he has been deprived of enjoying and utilizing the said land belonging to him. Feeling aggrieved, the petitioner repeatedly approached the authorities of the Assam Rifles either to acquire the land or to release/vacate the said land and hand over the said land belonging to him so as to enable him to enjoy freely the possession of his land. However, despite such repeated request made by the petitioner, the authorities have not taken up any positive action and the petitioner has been thus, deprived of his right to enjoy the land belonging to him. Being aggrieved, the petitioner approached this Court by filing the present writ petition with a prayer to issue a direction to the respondents for initiation of the land acquisition process of acquisition of the land belonging to the petitioner or to direct the respondents to vacate the land, in case the authorities of the Assam Rifles do not require requisition of the land of the petitioner and to direct them to pay adequate compensation for the forceful possession of the petitioner's land.

[3] The respondent No. 3 to 6 filed additional affidavit dated 02-05-2024 and in the said additional affidavit, it has been, inter alia, stated that the said respondents have always shown willingness to acquire 4.83 acres of land including the land belonging to the petitioner but the whole process was held up due to non availability of "No Objection Certificate" and non co-operation from the other land owners.

[4] On perusal of the additional affidavit filed by the respondent Nos. 3 – 6 and the statement made therein, this Court is of the considered view that the statement made by the said

respondents is unreasonable and not sustainable. In my considered view, if the said respondent Nos. 3 to 6 require the land for the purpose of security, they are at liberty to take up necessary process for acquisition of the land under the relevant laws and that the co-operation or No Objection Certificate from the land owners are not at all required for initiating land acquisition proceeding for acquisition of land required by them including the land of the petitioner. In that view of the matter, this Court is of the considered view that interest of justice will be served by disposing of the present writ petition with the following directions :-

- (a) The respondent Nos. 3 – 6 are directed to initiate land acquisition proceeding or for direct purchase of the land, including the land of the petitioner, if they require the said land for the sake of arrangement of their security;*
- (b) In the event, the respondent Nos. 3 – 6 are of the view that they no longer require the land belonging to the petitioner, they shall vacate from the said land and deliver vacant position of the land to the petitioner as soon as possible. In such event of vacating the land, the respondents are liable to pay certain compensation to the petitioner for the use and possession of the land belonging to the petitioner since 2001 till the delivery of possession of the land to the petitioner;*
- (c) The respondent Nos. 3 to 6 are directed to take a positive decision in connection with the direction given herein above and such decision is to be taken within a period of 3 (three) months from the date of receipt of a certified copy of this order.*

[5] With the aforesaid direction, the present writ petition is disposed of.

JUDGE

Dhakeshori