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

W.P. (C) No. 640 of 2024

Oinam Babuchouba Singh and 11 Ors.

... Petitioners

- Versus -

State of Manipur and 4 Ors.

... Respondents

B E F O R E
HON'BLE MRS. JUSTICE GOLMEIGAIPHULSHILLU

ORDER

09.09.2024

Heard Mr. M. Hemchandra, learned Sr. counsel assisted by Mr. Juno Rahman, learned counsel appearing for the petitioners and Mr. H. Devendra, learned Dy. AG appearing for the respondents.

Issue notice.

Notice is accepted by Mr. H Devendra, learned Dy. AG on behalf of the respondent nos. 1 to 5 namely, 1. The State of Manipur represented by the Principal Secretary/ Commissioner/ Secretary (Revenue), Government of Manipur, office at Secretariat South Block, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur-795001, 2. The Deputy Commissioner, Bishnupur, Government of Manipur, office at Bishnupur, P.O. & P.S. Bishnupur, Bishnupur District, Manipur-795126, 3. The Sub-Divisional Officer (SDO), Moirang, Government of Manipur, office at Ground Floor, Block C, Mini Secretariat Ward No. 6, P.O. Moirang& P.S. Keibul Lamjao, Bishnupur District, Manipur, 4. The Director (Fishery), Government of Manipur, Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Manipur-795002 and 5. The District Fishery Officer, Bishnupur, Government of Manipur, office at Block Officer Complex, Bishnupur District, Manipur-795126.

The present writ petition has been filed by the petitioners under Article 226 of the Constitution of India praying inter alia for issuance of writ in the nature of Certiorari/mandamus or any other appropriate writ/ order/ direction to quash and set aside the impugned Eviction Notice No. 1/SDO/MRG/2024 dated 29th August, 2024 issued by the Sub-Divisional Officer, Moirang and any consequential order/ direction/ letter issued in furtherance of the Eviction Notice dated 29th August, 2024 issued by the Sub-Divisional Officer, Moirang in the facts and circumstances of the present writ petition under the following grounds:

- i. For that the humble petitioners are recorded pattadar of their land in possession.
- ii. For that the process for allotment of land in possession with respect to petitioner nos. 2, 3, 6, 9 and 10 are actively under process by the competent authority and that the name of the petitioners are recorded as in the Dag Chitha.
- iii. For that no enquiry and no verification of records was conducted by the authorities prior to the submission of the alleged Report dated 27-08-2024 by the Sub-Deputy Collector, Moirang.
- iv. For that no opportunity of being heard was provided to the humble petitioners prior to declaring them as encroachers/ unauthorised occupants.
- v. For that although the land of the humble petitioners are to be evicted however, the petitioners were not invited for the joint meeting as mentioned in the impugned Eviction Notice dated 29-08-2024.
- vi. For that the Dag Number of the Takmu Experimental Fish Farm and that of the humble petitioners are quite different and that there is no overlapping/ encroachment by the petitioners over the land of Takmu Experimental Fish Farm.
- vii. For that no enquiry, no participation was invited was conducted prior to declaring the humble petitioners as encroachers..

- viii. For that the impugned Eviction Notice dated 29-08-2024 was never served upon the humble petitioners who are to be evicted from their recorded patta land.
- ix. For that although, some of the land of the petitioners are recorded in the name of their father and others, however the eviction notice has been sent in the name of the petitioner thereby clearly showing that no proper investigation, verification of the records has been conducted by the authorities prior to issuance of the impugned Eviction Notice dated 29-08-2024.
- x. For that no demarcation of the area of Takmu Experimental Fish Farm was conducted prior to declaring the humble petitioners as encroachers over the said Fish Farm area.
- xi. For that the authorities have failed to provide the humble petitioners with a copy of the Enquiry Report dated 27-08-2024 submitted by the Sub-Deputy Collector, Moirang as mentioned in the impugned Eviction Notice dated 29-08-2024.
- xii. For that humble petitioners had submitted their Objection dated 06-09-2024 and 07-09-2024 to the authorities however the same has not been considered and disposed of till date for reasons best known to them.
- xiii. For that impugned Eviction Notice dated 29-08-2024 issued by the Sub-Divisional Officer, Moirang cannot stand in the eyes of law as the same was passed in Eviction Case No. 1/SDC/MRG/2024 however the humble petitioners were never made a party to the said Eviction case.
- xiv. For that the Eviction Case No. 1/SDO/MRG/2024 suffers from technical defect of non-joinder of necessary party.

The learned Sr. counsel for the petitioners draws the attention of this Court by the following documents:

Annexure-A/2 - The Deputy Secretary (Revenue), Govt. of Manipur in its letter dated 05.01.2018 addressed to the Deputy Commissioner, Bishnupur District, Manipur on the subject of request for allotment in favour of 56 encroachers in 53-Moirang Pt-II (including the present writ petitioners)

as to enquire/verify whether the said 56 applicants do not possess land other than the proposed land.

Annexure-A/3 - Letter written by the Assistant Commissioner, Deputy Commissioner's Office, Bishnupur, addressed to the SDO, Moirang to process for enquiry/verify whether the 56 applicants for allotment possess land other than the proposed land.

Annexure-A/4 (Colly) - Again, on 27.08.2019, the Sub-Deputy Collector, Moirang submitted its report to the Sub-Divisional Officer, Moirang in connection with allotment after verification out of 53 encroachers, 32 applicants are landless persons other than the purpose land and in that some of the names of the petitioner are at Sl. No. 2, 3, 6, 9 & 10.

Annexure- A/5 - While the process for allotment of lands is actively under process, the SDC, Moirang issued impugned eviction notice dated 29.08.2024 addressed to all the Encroachers/Unauthorized Occupants List at Takmu Experimental Fish Farm. In that, the present petitioners and their Sl. No. are given below:

Petitioner No.	Name of Petitioner	Sl. No.
1.	Oinam Babuchouba Singh S/o. Ibomcha Singh	19
2.	Ningthoujam Shyam Singh S/o N. Manglemba Singh	12
3.	Tongbram Sujaboro Singh S/o Ibohal Singh	07
4.	Salam Kumar Singh S/o (L) Yaima Singh	22
5.	Haobijam Gopen Singh S/o H. Khoidong Singh	17
6.	Oinam Brojen Singh S/o O. Kondumba Singh	11
7.	Ninthoujam Munal Singh S/o N. Chingkhelijao Singh	16
8.	Haobijam Ibotomba Singh S/o H. Chaoba Singh	18
9.	Tongbram Ibochouba Singh S/o Nanou Singh	06
10.	Tongbram Bidyananda Singh S/o (L) Tonjao	09
11.	Haobijam Manglem Singh S/o H. Yaima Singh	20
12.	Ningthoujam Ranbir Singh, S/o N. Ibomcha Singh	23

The operative portion of the aforementioned letter is extracted herein below:

"PNo.60/SDO(M)/Evic/2000
GOVERNMENT OF MANIPUR
OFFICE OF THE SUB-DIVISIONAL OFFICER, MOIRANG
Eviction Case No. 1/SDO/MRG/2024

To

All the Encroachers/Unauthorized Occupants (listed in Annexure-I) at Takmu Experimental Fish Farm

EVICTIION NOTICE

Moirang, the 29th August, 2024

Whereas, report has been laid by the Sub-Deputy Collector, Moirang vide letter No. 32/SDC/(M)/Misc/Pt-II dated 27/08/2024, after joint verification by the SDC Office, Moirang and the District Fishery Office, Bishnupur District, that 23 (Twenty three) Nos. of unauthorized Occupants as listed in the Annexure-I have illegally encroached at the Takmu Experimental Fish Farm, Bishnupur District situated at Revenue Village No. 53-Moirang Part-2 in the vicinity of Laishoi Village;

Whereas, the Takmu Experimental Fish Farm, Bishnupur District is under the Department of Fishery, Government of Manipur and Encroachment in any form inside the boundary of the Takmu Experimental Fish Farm is illegal and against the law;

*Now therefore, you are hereby directed to remove the encroachments or submit reason in writing as to why eviction shall not be carried out on or before **9th September, 2024** failing which necessary eviction shall be carried out without further notice as per section 15(1) of the MLR & LR Act, 1960."*

(M. Suranjoy Singh)
Sub-Divisional Officer, Moirang

Copy to:-

- 1. Deputy Commissioner, Bishnupur.*
- 2. Superintendent of Police, Bishnupur.*
- 3. Sub-Divisional Police Officer, Moirang.*
- 4. District Fishery Officer, Bishnupur.*
- 5. Sub-Deputy Collector, Moirang.*
- 6. Officer-in-Charge, Moirang Police Station.*
- 7. Guard file."*

The learned Dy. AG for the respondents submits that Eviction Notice dated 29.08.2024 is the Eviction Notice issued to all the Encroachers/Unauthorized Occupants at Takmu Experimental Fish Farm by SDO, Moirang directing to remove the Encroachment or to submit reason in writing as to why eviction shall not be carried out on or before 09.09.2024.

The learned Sr. counsel for the petitioners submitted that the objection to the eviction notice dated 29.08.2024 issued by the SDO, Moirang in Eviction Case No. 1/SDO/MRG/2024 to the Deputy Commissioner, Bishnupur and the SDO, Moirang, Govt. of Manipur requesting not to implement eviction process by the petitioners (**Annexure-A/8 Colly**).

The learned sr. counsel for the petitioners submits that the petitioners are apprehending the eviction of their occupancies of the lands involved in the present subject matter.

The learned Dy. AG for the respondents fairly submits that all these processes i.e. Annexures extracted above are part of the process for the eviction but to execute eviction of the petitioners are to be done only after hearing the petitioners as per their objection submitted.

Both the learned counsels for the parties fairly submit that the present writ petition can be disposed of by directing the respondents not to evict the petitioners herein from their lands which are subject matter in the present litigation without following due process of law.

In view of the submission made above, the present writ petition is disposed of thereby directing the respondent not to evict the petitioners herein from their lands which are subject matter in the present litigation without following due process of law.

Accordingly, the present petition is disposed of.

JUDGE

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