

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

WP(C) No. 723 of 2022

Poubi R Naga

...*Petitioner/s*

Vs.

State of Manipur & 3 ors.

...*Respondent/s*

B E F O R E

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

10-01-2024

Heard Mr. S. Rupachandra, learned senior counsel assisted by Md. Sahidur Rahman, learned counsel appearing for the petitioner; Mr. Niranjana Sanasam, learned GA appearing for the respondent No. 1 & 2 and Mr. Boboy Potsangbam, learned CGSC appearing for respondent Nos. 3 & 4.

The present petition has been filed with a prayer for directing the Deputy Commissioner/Collector, Land Acquisition, Kangpokpi District (respondent No.2 herein) to forward the application filed by the petitioner raising objection to the award dated 20-10-2021 passed by the said Collector as provided under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (herein referred to as Act in short) to the competent Authority.

It is the case of the petitioner that the Collector, Kangpokpi District, Manipur issued an award for compensation dated 20-10-2021 and the petitioner received the compensation award under protest. Thereafter, the petitioner submitted an application dated 19-04-2022 under section 64 of the said act with a request for referring the dispute to

the concerned authority as provided under the act, however, the Collector has not taken up any action for referring the said matter to the competent authority.

Mr. S. Rupachandra, learned senior counsel submitted that the petitioner was present before the Collector at the time of passing the award, however, due to certain difficulty, the petitioner cannot submit his application within the prescribed period as provided under section 64(2)(a) of act, however, the said application was submitted by the petitioner within one year from the date of passing of the award. The learned counsel submitted that under the proviso to sub-section (2) of section 64 of the act, there is provision providing that the Collector can entertain the application after expiry of the period as provided under sub section (2) if the Collector is satisfied that there was sufficient cause for not filing the said application within the specified period under sub-section (2) of the said act. The learned senior counsel accordingly prays for issuing a direction to the Collector, Kangpokpi to consider the application submitted by the petitioner as provided under the proviso to sub section (2) of section 64 of the act.

In the affidavit-in-opposition filed by the respondent No. 2, the stand taken by the Collector, Kangpokpi at para No. 4 of the affidavit-in-opposition is that on examination and consideration of the grounds on which the objection was filed by the petitioner, the Collector found that such grounds and objections as set out by the petitioner in his application lacks sufficient merit for referring the matter to the concerned authority

and therefore, the Collector has not referred the said application to the concerned authority.

After hearing the submission advanced by the learned counsel appearing for the parties and on perusal of the records, this Court is of the considered view that under section 64 of the act, the duty cast on the Collector is to refer any objection filed by an aggrieved party and he has no jurisdiction and authority to decide the application on merit. In the present case, the Collector has refused to make a reference on the ground that the grounds of objection raised by the petitioner in his application lacks merit and the Collector did not refer the matter to the authority. Since the Collector has no authority or jurisdiction to decide the objection on merit, this Court is of the considered view that it will be appropriate to dispose of the writ petition with the following directions :

- (1) The Collector, Kangpokpi is directed to reconsider the application dated 19-04-2022 submitted by the petitioner for referring the matter to the competent authority afresh strictly in terms of the provision of section 64 after giving an opportunity of being heard to the petitioner.
- (2) Petitioner is at liberty to raise supplementary grounds for the delay in filing the application at the time of reconsideration of the said application. The whole process should be completed within a period of 2(two) months from the date of receipt of a certified copy of this order.

With the aforesaid directions, the present petition is disposed of.

There will be no order as to cost.

JUDGE

Dhakeshori

LAISHRAM
DHAKESH
ORI DEVI

Digitally signed
by LAISHRAM
DHAKESHORI
DEVI
Date: 2024.01.11
11:08:44 +05'30'