

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

MC(PIL) No. 18 of 2025

Ref:- PIL No. 5 of 2019

The Deputy Chief Engineer/Construction – 4
N.F. Railway and another

Applicants

Vs.

State of Manipur and 15 others

Respondents

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. KEMPAIAH SOMASHEKAR
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

ORDER

(K. Somashekar, C.J.)

15.07.2025

[1] Mr. S. Vijayanand Sharma, learned Sr. PCCG for the applicants; Ms. Ksh. Harichhaya, learned counsel; Mr. H. Debendra, learned Deputy AG; Mr. Nongdamba, learned counsel and Mr. Deepak Prasad Sahu, learned counsel are present before the court physically in this matter.

[2] The proceeding in this MC(PIL) No. 18 of 2025 has been filed by the applicants and the applicants being the Union of India and represented the concerned department of the Union of India and they are all entitled to legal and fundamental rights as guaranteed under the Constitution of India.

[3] This application has been filed for modification of the order dated 12.02.2020 rendered by this Court in PIL No. 5 of 2019.

[4] It is further stated in the application that the present application has been filed in connection with the Jiribam-Imphal New BG Rail Line Project in Manipur which is a project of National importance. The construction of the Railway project required essential material such as sand, aggregate, granular sand gravel, boulders and most importantly, soil for earth filling in embankment. The same has been specifically stated in para 3 of this application. It is further stated that to ensure timely completion, the Railway has commenced soil filling work in the valley section, which currently show minimal progress. The same has been stated in a para 5 of this application filed by the applicants.

[5] Whereas, in para 6 of this application reveals that vide letter bearing no. (online proposal no. FP/MN/MIN/QRY/462825/2024 dated 19.02.2025) issued by the Assistant Inspector General of Forest, Ministry of Environment Forest and Climate Change, the approval as per the Central Government has been obtained in favour of the Deputy Chief Engineer, Ministry of Railway for the non-forestry use of 5.5 hectares of forest land. The said stand has been taken in para 6 of this application.

[6] Apart from consideration of the detailed reliefs stated in this application, the learned counsel for the applicants in this matter is pressing for consideration of the documents vide Annexure-M/1 dated 19.02.2025 and also vide Annexure-M/2 dated 24.02.2025, Annexure-M/3 dated 07.03.2025, Annexure-M/4 dated 12.02.2020 relating to the proceeding in PIL No. 5 of 2019 that is, the order dated 12.02.2020 has been stated in

detail. Annexure-M/5 is the true copy of the LOA dated 20.12.2022 while Annexure-M/6 (Colly) is a true copy of project details along with the letter dated 22.02.2025.

[7] Whereas, in this application proceeding, the learned counsel for the applicants emphatically submitted that in the letter dated 19.02.2025 issued by the Ministry of Environment Forest and Climate Change it clearly states that the 'In-Principle/Stage-I Approval' was granted subject to Specific Condition mentioned in Clause 3.3 of the letter which stated that "*State Government shall comply with the orders in PIL No. 5 of 2019 pending in the Hon'ble High Court of Manipur*". The operative portion of the order dated 12.02.2020 specifically states that we also make it clear that in Annexure-R/1 of the affidavit-in-opposition dated 04.04.2020, it is stated that some applications are pending. In order to avoid such irregularity, we direct the respondents, particularly, the 12th respondent not to grant any further prospecting lease or license, provisional or regular quarrying lease or license without the leave of this court. The status of environment impact assessment referable to para No. 8 above and the order dated 7.8.2019 to be submitted vide Annexure-W/4.

[8] Whereas, the learned counsel for the applicant in this matter is specifically referring to the contents at Annexure-M/1 dated 19.02.2025 wherein in the subject states as proposal for seeking prior approval of the Central Government under Section 2(1)(ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of Deputy Chief Engineer, Ministry

of Railway for non-forestry use of 5.5 ha of Forest land for Mining of appropriate earth from designated forest land for construction of Railway embankment at Imphal valley area for the Jiribam-Imphal New BG Rail Link Project of N F Railway in Village- L. Jangnomphai, Sub-District-Saitu-Gamphazol, district-Kangpokpi in the State of Manipur. It is specifically stated in detail at Annexure-M/1 even if it is containing the subject and also clause wise conditions at Sl. No. 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 1.13, 1.14, 1.15, 1.16, 1.17, 1.18, 1.19, 1.20, 1.21, 1.22, 1.23, 1.24 and 1.25. These pointwise conditions have been specifically stated vide Annexure-M/1 to the application.

[9] Apart from that, the Standard conditions from Sl. Nos. 2.1 to 2.6 and also the specific conditions from Sl. Nos. 3.1 to 3.3 are also stated in detail at Annexure-M/1 to this application. Copy of the same has been forwarded to (1) the Principal Chief Conservator of Forests (HoFF), Sanjenthong, Government of Manipur, Imphal; (2) The DDGF (C) Regional Office, Shillong, MoEF&CC; (3) The Nodal Officer (FCA), O/o Principal Chief Conservator of Forest, Government of Manipur, Sanjenthong, Imphal; (4) The Monitoring Cell, MoEF&CC, New Delhi and (5) User Agency.

[10] Whereas, the learned counsel for the applicants in this matter is seeking for modification of the orders which is stated supra and also referring the documents vide Annexures which are stated supra in detail. However, the learned counsel for the applicants, apart from that, has initiated the miscellaneous proceeding by producing copies of the annexures

issued by the concerned authority before the Court. The counsel has also filed a Memo in writing relating which reads as follows :-

"MEMO

I, the undersigned undertake to modify my prayer portion in MC (PIL) No 18 of 2025 as under :-

- iii) to permit non-forestry used of 5.5 ha of forest land for mining of appropriate earth from designated forest land for construction of railway embankment at Imphal Valley area for the Jiribam-Imphal New BG Rail link Project of N F Railway in village — L. Jangnomphai, Sub-District-Saitu-Gamphazol, District-Kangpokpi in the state of Manipur as approved by the Govt. of India, Ministry of Environment Forest and Climate Change (Forest Division) under section 2(1) (ii) of The Van (Sanrakshan evam Samvardhan) Adhiniyam vide letter bearing No. FP/MN/MIN/QRY/462825/2024 dated 19.02.2025 issued by Assistant Inspector General of Forest at annexure M/1.*
- iv) in bonafide mistake at the time of the filing of the present Misc. Application, subsequent order dated 31.01.2024 was left out and the same is relevant in modification of the earlier Order dated 12.02.2020 at annexure M/4.*

The Counsel for the Applicants prays for allowing to place the undertaking on record.

The Humble Counsel for the Applicant duty bound shall ever pray.

*Sd/-
Signature of the Counsel"*

[12] The Memo which has been filed by the applicants in this matter is taken on record.

[13] Whereas, the learned Amicus Curiae in this matter fairly submits that the application seeking for modification of the order dated 12.02.2020 can be considered. It is based upon the grounds which had already been taken in the miscellaneous case proceeding i.e. MC(PIL) No.

18 of 2025 and inclusive of the contents made in the documents vide Annexure-M/1.

[14] Therefore, keeping in view the contentious contention made by the learned counsel for the applicants and inclusive of the fair submission made by the learned Amicus Curiae in this matter are concerned, it is deemed appropriate that the proceeding in MC(PIL) No. 18 of 2025 seeking modification is hereby accorded as it sought for. However, this modification has been accorded keeping in view vide Annexure-M/1 to the miscellaneous application wherein it is stated in conditions No. 1, 2 and 3. Accordingly, it is modified. However, it is clarified that the counsel for the applicant in this matter is filing the Memo in conformity with the contents made in Annexure-M/1.

Sushil

JUDGE

CHIEF JUSTICE