

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

Review Pet.No.3 of 2023

Ref: WP(C)No.1014 of 2015

Chief Engineer, IFCD(now WRD), Government of Manipur & Anr.

Petitioners

Vs.

Athokpam Lokendro Singh, aged about 29 years, S/o (Late)
Athokpam Sammu Singh of Haoreibi Mayai Leikai, PS Wangoi
West District, Manipur & **5 Ors.**

Respondents

**BEFORE
HON'BLE THE CHIEF JUSTICE MR. D. KRISHNAKUMAR**

**ORDER
(Oral)**

17.04.2025

[1] Mr. M. Rarry, learned senior counsel, appears for the review petitioners and Mr. Ch. Ngongo, learned senior counsel, appears for the respondent No.1.

[2] The instant review application has been filed against the order dated 09.05.2019 passed by this Court in WP(C) No. 1014 of 2015.

[3] Mr. M. Rarry, learned senior counsel appearing for the Review petitioners has briefly narrated the background of the case that the respondent/writ petitioner has claimed that late Mr. A. Sammu Singh of Haoreibi Mayai Leikai, Imphal West, Manipur was cultivating an extent of 0.53 acres of land in Village No.72, Haraobi, Imphal West District under patta No.72/272(old) corresponding to new patta No.03 covered by C.S. Dag No.2 and Mr. A. Sammu Singh was cultivating paddy in the aforesaid land, as owner of the land and after his death, the respondent/writ

petitioner continued to cultivate till the department excavated the said paddy land while executing "the Chandranadi Drainage Project". According to the review applicants, in para 2 of writ petition, Respondent no.1 herein, as writ petitioner specifically claimed that the writ petitioner has inherited the subject land from his father as owner thereof and now subject land cannot be cultivated due to said project and as such, he claims compensation for the said land. According to the review applicants, the subject land was found to be originally recorded as owner/pattadar in the name of Shri Oinam Thambou Singh S/o Chomna Singh and on his death, mutated in favour of Shri Loitongbam Kondum Singh S/o Chaoba Singh vide Mutation Case No.8/SDC/IW(W)/1984 and the respondent/writ petitioner's father name was never found in the record as pattadar at any point of time. Further according to the review applicant, the department has taken a project "the Chandranadi Drainage Project" and the same was started and completed by the department from the period 16.07.2010 to 02.08.2010 and during that period, there is no demand or request made by the respondent No.1 herein for payment of any compensation. The said project was completed on 02.08.2010 and subsequently, the writ petitioner made a representation dated 04.02.2011 for awarding compensation, stating the he is owner of the aforesaid property and therefore, he claimed for the compensation for the aforesaid subject land.

[4] The learned senior counsel appearing for the review applicants further stated that vide Mutation Case No.27/SDC/(W)LC/11, the respondent/writ petitioner has changed his name in Revenue Records of State Government as owner of the subject land in question on 21.02.2011 and on that basis, he claimed to be the owner of the said property and pattadar of the said land. Thereafter, the respondent

No.1 herein has filed a writ petition before this Court seeking for payment of compensation amount to the review petitioners herein and this Court has also passed an order on 09.05.2019 for granting the compensation for the aforesaid land. Subsequently, the applicant came to know that the aforesaid disputed land in question is not belonging to the respondent No.1 /writ petitioner and the enquiry also revealed that the writ petitioner is not having any right to claim the owner of the aforesaid land and on this newly discovered circumstance, according to the review applicant, the said Mutation of the Revenue records clearly shows that there is collusion with the officer concerned and the aforesaid land was mutated in the name of the respondent/writ petitioner in the Revenue Records and therefore, fraud has been committed by the respondent No.1 herein. According to the Review Applicants, after having gained the knowledge that the aforesaid land does not belongs to the respondent/writ petitioner, the review applicants have filed the present Review petition before this Court to review the order dated 09.05.2019 passed by this Court in WP(C) No. 1014 of 2015.

[5] The learned senior counsel appearing for the Review applicants also submitted that that he has also filed condone delay application before this Court and the said application was also allowed by this Court, on issue of a fraud. The learned senior counsel appearing for the review applicants further stated before this Court that now the change in the Revenue Records clearly shows that fraud has been committed by the respondent No.1 herein in the Revenue Records by colluding with the aforesaid SDC officer Imphal West (LC), Manipur and hence, the Review Applicants make a request before this Court to review the earlier order dated 09.05.2019 passed in WP(C) No.1014 of 2015.

[6] Mr. Ch. Ngongo, learned senior counsel, appears for the respondent has strongly objected that the Mutation Case No.27/SDC/(W)LC/11 which has been passed by the SDC, Imphal West (LC), so far, has not been cancelled or modified or set aside. Therefore, the aforesaid enquiry conducted by the Review applicants is only on the back of the respondent No.1 herein/writ petitioner and no such copy of the report has been furnished to the writ petitioner. He has further stated that without giving any opportunity to the respondent No.1 herein, the review applicants is not having any right to make a submission that fraud has been committed by the respondent No.1 herein for manipulating the revenue records and changing the name of the respondent/writ petitioner in the revenue records in respect of the subject land of the said property.

[7] According to the learned senior counsel appearing for review applicants section 46, 47 & 95 of the MLR & LR Act, 1960 deals with mandatory provision regarding mutation proceedings, power of Deputy Commissioner (DC) in case of non-reporting of mutation within prescribed 3 months and the power of revision by Deputy Commissioner (DC) in case related thereto. The relevant provisions are reproduced below:

"46(2). Any person acquiring by succession, survivorship, inheritance, partition, purchase [exchange], gift or otherwise any right in land or where such person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property, shall report his acquisition of such right to the competent authority within three months from the date of such acquisition and such authority shall give at once a written acknowledgement in the prescribed form of such report to the person making it."

"47. The Deputy Commissioner may, if he is of opinion that any person has willfully neglected to make the report required by section 46 within the prescribed period, impose on such person a penalty not exceeding twenty-five rupees."

"95. The [Tribunal] or the Deputy Commissioner may [...] either on his own motion or on the application of any part, call for the records of any proceedings before any Revenue Officer subordinate to him for the purpose of satisfying himself as to the legality or the propriety of any order passed by such Revenue Officer, and may pass such order in reference thereto as he thinks fit. [Provided further that no revision shall lie after the expiry of ninety days from the date of the order to be revised]."

[8] According to Mr. M. Rarry, learned senior counsel appearing for the petitioners, though there is a power for the Deputy Commissioner (DC) to pass appropriate order to rectify the errors or mistakes committed by the subordinate officer but in view of the order passed by this Court, the Deputy Commissioner cannot now invoke under such provision of the act. He would further submit that he has filed the instant review application for setting aside impugned order dated 09.05.2019 of the writ court.

[9] The disputes now raised by the applicants herein that the aforesaid order passed by the SDC, Imphal West (LC) which has not been properly enquired with proper verification of the records as per the provisions of the law and mandatory provisions of said Manipur Land Revenue and Land Reforms Act, 1960 and Manipur Land Revenue and Land Reforms Rules, 1961 and serious submissions have been made that fraud has been committed by the respondent No.1 herein in the Revenue Records by colluding with the aforesaid SDC officer Imphal West (LC), Manipur. In these circumstances and in the interest of justice, there is also required for detailed enquiry to be conducted by the concerned authority namely, the Deputy

Commissioner, Imphal West has to be enquired under provisions of the Act against the grant of mutation order in Mutation Case No.27/SDC/(W)LC/11. The learned senior counsel appearing for the respondent also made objection that in the present review application, the order of the writ court cannot set aside straightway, unless an opportunity is granted to the writ petitioners since no record has been placed for cancellation of the aforesaid order.

[10] Considering the serious allegations made in the present review application, this Court is of the view that it is appropriate that the Deputy Commissioner, who is the competent authority under Section 95 of the MLR & LR Act, 1960, shall furnish the report to the respondent no.1 herein/writ petitioner, along with show cause notice and thereafter, they can proceed in accordance with law, after giving opportunity to the respondent no.1 by placing relevant documents before the Deputy Commissioner, Imphal West. Therefore, this Court is inclined to pass the order as follows:

- (a) The Deputy Commissioner, Imphal West shall issue notice to the respondent/writ petitioner along with the relevant report for submitting explanation, for cancellation of the order passed by the SDC, Imphal West (LC) in Mutation Case No.27/SDC/(W)LC/11.
- (b) On receipt of the notice from the Deputy Commissioner, the respondent/writ petitioner shall submit his objection or explanation along with the documents within the time stipulated as granted by the Deputy Commissioner, Imphal West.

(c) the Deputy Commissioner, Imphal West shall consider the objection made by the respondent/writ petitioner and pass a final order in accordance with law within a period of 12(twelve) weeks from the date of receipt of explanation submitted by the writ petitioners.

(d) Payment of compensation to the respondents/writ petitioner shall be subject to the outcome of the final order passed by the Deputy Commissioner, Imphal West, in the light of passed in the instant writ petition in WP(C)No.1014 of 2015 dated 09.05.2019.

[12] In view of the above modifications order, the present Review Petition is disposed of.

CHIEF JUSTICE

John Kom