

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

WP(C) No. 655 of 2024

Shri Lunkhomang Kipgen, aged about 55 years, S/o Late Jangchon Kipgen, permanent resident of Tuipajang Village, at present resident of Bethany Village, P.O. Motbung, P.S. G-Sapormaina, District Kangpokpi, Manipur – 795107.

... Petitioner

-Versus-

1. Union of India, represented by the Secretary (Road Transport and Highways) Ministry of Road Transport and Highways, Government of India, Transport Bhawan, 1, Parliament Street, New Delhi – 110001.
2. National Highways Infrastructure Development Corporation Limited (NHIDCL), Rep. by its General Manager, Regional Office, Manipur at Transit Hostel, Officer's Club, Lamphelpat, Imphal West, Manipur – 795004.
3. State of Manipur, Rep. by its Secretary/ Commissioner (Revenue), Secretariat Building, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.
4. The Deputy Commissioner/ CALA, Kangpokpi, Kangpokpi District, P.O. & P.S. Kangpokpi, Manipur – 795129.

... Respondents

B E F O R E

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

For the petitioner :: Mr. D. Julius Riamei, Advocate

For the respondents :: Mr. W. Darakishwor, Sr. Panel Counsel & Mr. Shyam Sharma, GA

Date of hearing & order :: **18-05-2026**

O R D E R

[1] Heard Mr. D. Julius Riamei, learned counsel appearing for the petitioner; Mr. W. Darakishwor, learned senior panel counsel appearing for the respondents No. 1 and 2 and Mr. Shyam Sharma, learned GA appearing for the respondents No. 3 and 4.

[2] In the present case, the Central Government under the Ministry of Road Transport and Highways (RTH), Government of India, declared under sub-section 3D of the National Highways Act, 1956, vide its Gazette Notification No. 1902 & S/O 2047(E) dated 28-05-2021 that the land specified in the Schedule are required for purpose of building (widening/two lane with paved shoulder/ four laning, etc.), maintenance, management and operation of NH-2 in the stretch of land from Km. 262.29 to Km. 287 falling within the Revenue jurisdiction of Kangpokpi District.

In pursuance of the said land acquisition proceeding, the Deputy Commissioner, Kangpokpi District, have already issued awards of compensation. Having been aggrieved by non-inclusion of his land, the petitioner filed an application dated 17-07-2021 to the Deputy Commissioner, Kangpokpi District, claiming that an area measuring 1.6157587 hectares of his land are affected and acquired by the Government and that the Deputy Commissioner declared the land of the petitioner as Government land and the petitioner has been denied of compensation for acquiring such land. The petitioner, accordingly, requested the Deputy Commissioner, Kangpokpi District, to refer his claim or rather the dispute to the Presiding Officer (District Judge,

Senapati) for determination of the said dispute as provided under Section 3H sub-section (4) of the National Highways Act, 1956.

[3] Mr. D. Julius Riamei, learned counsel appearing for the petitioner submitted that as the petitioner has raised the dispute with regard to the ownership of the land as well as the amount of compensation due payable as provided under Section 3H sub-section(4) of the National Highways Act, 1956 to the competent authority, i.e., Deputy Commissioner, Kangpokpi District, the competent authority is dutybound to refer the said dispute to the Principal Civil Court of Original Jurisdiction as provided under the said Act. The learned counsel submitted that the present writ petition can be disposed of by directing the Deputy Commissioner, Kangpokpi District (respondent No. 4), to consider the said representation dated 17-07-2021 submitted by the petitioner and to refer the said dispute raised by the petitioner to the principal civil court of Original Jurisdiction (District Judge, Senapati) as provided under Section 3H sub-section (4) of the National Highways Act, 1956 within a stipulated period.

[4] Mr. W. Darakishwor, learned senior panel counsel and Mr. Shyam Sharma, learned GA appearing for the respondents fairly submitted that under Section 3H sub-section (4) of the National Highways Act, 1956, it is provided that if any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil court of Original Jurisdiction within the limits of whose jurisdiction the land is situated.

[5] Both the counsel appearing for the respondents also submitted that as the petitioner has already approached the competent authority, i.e., the Deputy Commissioner, Kangpokpi District, by filing a written representation for referring the dispute to the competent Civil Court, the respondent No. 4 is duty bound under law to refer such dispute to the competent Civil Court as mandated under section 3H sub-section (4) of the National Highways Act, 1956. The learned counsel appearing for the respondents, accordingly, submitted that the present writ petition can be disposed of as prayed for by the learned counsel appearing for the petitioner.

[6] In view of the submission made by the learned counsel appearing for the petitioner, this court is of the considered view that it will be in the interest of justice to issue the following directions:-

- (i) The Deputy Commissioner, Kangpokpi District (respondent No. 4) is hereby directed to consider the representation dated 17-07-2021 submitted by the petitioner on its own merit and strictly in terms of Section 3H sub-section (4) of the National Highways Act, 1956 and to take up appropriate action as expeditiously as possible;
- (ii) It is made clear that the whole process for consideration and taking up appropriate action should be completed within a period of three months from the date of receipt of a certified copy of this order; and
- (iii) The respondent No. 4 is further directed to communicate to the petitioner as well as to the respondents No. 1 and 2 about any

decision taken by him in connection with the said representation within a period of three weeks from the date of taking such a decision.

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

JUDGE

Devananda