



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

WA No.52 of 2024

1. The State of Manipur represented by the Secretary/ Commissioner (Revenue), Government of Manipur, Old Secretariat, South Block, Imphal, Manipur-795001.
2. The Deputy Commissioner, Chandel, Government of Manipur

...Appellants

-Versus-

1. Mr. Rolly Hongam aged about 40 years, S/o Late H. Angting Monsang of Chandel Village, P.O. & P.S. Chandel-795127.

....Respondent

2. The Union of India represented by the Secretary, Ministry of Telecommunication (Bharat Sancha Nigam Ltd.), Government of India.
3. The Chief General Manager, Task Force, Bharat Sanchar Nigam Ltd., North East Region, Gauhati-781001.

....Proforma Respondents

With

MC(WA)No.99 of 2024

- 1 The State of Manipur represented by the Secretary/Commissioner (Revenue), Government of Manipur, Old Secretariat, South Block, Imphal, Manipur-795001.
- 2 The Deputy Commissioner, Chandel, Government of Manipur

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- 1 Mr. Rolly Hongam aged about 40 years, S/o Late H. Angting Monsang of Chandel Village, P.O. & P.S. Chandel-795127

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- 2 The Union of India represented by the Secretary, Ministry of Telecommunication (Bharat Sancha Nigam Ltd.), Government of India.
- 3 The Chief General Manager, Task Force, Bharat Sanchar Nigam Ltd., North East Region, Gauhati-781001.

....Proforma Respondents

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR
HON'BLE MR JUSTICE A. GUNESHWAR SHARMA**

For the appellant	Mr. S. Niranjana, GA
For the respondents	Mr. N. Biren, learned counsel for R1; Mr. S. Kaminikumar, learned counsel for R2 and Mr. BR Sharma, learned counsel for R3
Date of Judgement & Order	29.07.2026

JUDGEMENT & ORDER

(Oral)

(Order of the Court was made by the Hon'ble Chief Justice)

[1] The following abbreviations/short forms have been used in this order (for the sake of brevity, convenience and clarity):

Sl. No.	Abbreviation/ Short Form/other short references	Full Form/Expansion
1.	WA	Writ appeal
2	R1	First respondent
3.	R2	Second respondent
4.	R3	Third respondent
5.	BSNL	Bharat Sanchar Nigam Ltd. (Government of India Enterprise)
6.	said Land	Land ad measuring 40,000 Square ft. on thereabouts in Japhou Village, Chandel District, Manipur
7	MLR & LR Act	Manipur Land Revenue and Land Reforms Act, 1960 (33 of 1960)



8	MLR Rules	The Manipur Land Revenue and Land Reforms (Allotment of Land) Rules, 1962.
9	Central Land Acquisition Act	The Land Acquisition Act, 1894 (1 of 1894)
10	MC	Miscellaneous Case
11	WP	Writ petition

[2] This order will now dispose of captioned WA and captioned MC thereat.

[3] Instant order has to be read in conjunction with and in continuation of earlier proceedings/orders made in the listing on 27.03.2026 and reproduction of the same is as follows:

'Sl. Nos. 13 & 14

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

W.A. No. 52 of 2024

State of Manipur; & Anr.

Appellants

Vs.

Rolly Hongam; & Ors.

Respondents

With

MC (W.A.) No. 99 of 2024

BEFORE

***HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA
(ORDER)***

(Order of the Court was made by Mr. M. Sundar, CJ)

27.03.2026

[1] Captioned 'Writ Appeal' ('WA' for the sake of brevity) has been filed in this Court on 15.11.2024 assailing 'an order dated 11.01.2024 made in W.P. (C) No. 403 of 2023 by a Hon'ble Single Bench' (hereinafter 'impugned order' for the sake of brevity and convenience).

[2] The 'two appellants' shall be collectively referred to as 'State' (wherever necessary, specific reference by designation of the Officer will also be made).

[3] '1st respondent' ('R-1' for the sake of brevity) shall be referred to as 'writ petitioner' based on his rank before the Hon'ble Single Bench. '2nd



respondent' ('R-2' for the sake of brevity) shall be referred to as 'Central Government' for the sake of convenience, '3rd respondent' ('R-3' for the sake of brevity) shall be referred to as 'BSNL' also for the sake of brevity and convenience.

[4] In the hearing today, Mr. S Niranjana, learned State counsel for appellants (State), Mr. N. Biren Singh, learned counsel for writ petitioner, Mr. S. Kaminikumar, learned Central Government Counsel (CGC) for Central Government and Mr. BR Sharma, learned Central Government Counsel (CGC) for Bharat Sanchar Nigam Limited (BSNL) are before this Court.

[5] Nucleus of the captioned matter is 'land admeasuring 40,000sq. feet or thereabouts (400 ft x100 ft) in Japhow Village now in Chandel District, Manipur' ('said land' for the sake of brevity, convenience and clarity).

[6] Case of writ petitioner is that said land belonged to his late father (late H. Angting Monsang); that on 22.05.1984, said land was donated for the purpose of establishment of Ultra High Frequency Telecommunication Link at Chandel (District Headquarters) on condition that his son (writ petitioner) will be given employment in a Grade-III or Grade-IV post in the Post and Telegraph Department or any other suitable Department; that thereafter State purportedly in exercise of powers under Section 14(2) of 'the Manipur Land Revenue and Land Reforms Act, 1960 (33 of 1960)' (hereinafter 'MLR Act' for the sake of brevity) and Rule 18 of 'the Manipur Land Revenue and Land Reforms (Allotment of Land) Rules, 1962' ('MLR Rules' for the sake of brevity) allotted said land to the Post and Telegraph Department for setting up Ultra High Frequency Telecommunication Link at Chandel under Micro Wave Project; that thereafter alleging that the condition that his son should be given employment has been breached, writ petitioner's father filed a writ petition in W.P. (C) No. 141 of 2003 in the Gauhati High Court, Imphal Bench. It appears that the writ petition was filed with a prayer to direct State to initiate land acquisition proceedings qua said land, this writ petition was disposed of by Hon'ble Gauhati High Court, Imphal Bench in and by order dated 06.01.2011 directing the State to acquire said land as per 'Land Acquisition Act, 1894' (hereinafter 'Central Land Acquisition Act' for the sake of convenience) and make it clear that award should be prepared, it should be borne by Central Government and BSNL and four months time was granted to complete this exercise; thereafter State gave legal quietus to this 06.01.2011 order; not only did State give legal quietus, it also acted as per the order and issued a Notification under Section 4(1) of the Central Land Acquisition Act being Notification dated 23.09.2011; in this Section 4(1) Notification, State has sought to acquire 2.62 acres of land in all (to be noted, this is at variance with 40,000 sq. feet extent) but State has clearly shown writ petitioner's father (H. Angting Monsang, s/o (L) H. Kopham Monsang) as owner of land sought to be acquired and has also described him as 'Chief of Japhou Village'; to be noted, in this Notification, the village is spelt as 'Japhou'; thereafter the State (Deputy Collector) made an order dated 31.07.2012 under Section 9 of Central Land Acquisition Act; be that as it may, this Court is informed that this



land acquisition proceedings lapsed; thereafter, writ petitioner's father died on 09.03.2017.

[7] *In these circumstances, writ petitioner filed afore-referred W.P. (C) No. 403 of 2023 in this Court inter alia with a prayer seeking implementation of afore-referred 06.01.2011 order made in W.P. (C) No. 141 of 2003 and for a further direction to State to pay adequate compensation for land that has already been taken over. After full contest, a Hon'ble Single Bench disposed of the writ petition inter alia directing implementation of 06.01.2011 order within six months. Aggrieved by this order, State is on appeal (intra court appeal) vide captioned WA.*

[8] *The Following points require clarification/inputs;*

(i) *MLR Act is clearly a conditional legislation as is evident from sub-section (3) of Section 1. There appear to be multiple Notifications after the enactment. Whether MLR Act has been extended to village in which said land is situate?*

(ii) *By a notification dated 25.01.1962, several villages were notified as 'Hill areas' vide Section 2 (j) of MLR Act. Serial No. 93 talks about Japhow village in Tengnoupal Sub Division but the papers before us refer to the village as Japhou village. Whether Japhow village and Japhou Village are the same?*

(iii) *Either way, has MLR Act has been extended/made applicable to the village in which said land is situated?*

[9] *Faced with the above situation, learned State counsel sought time to get adequate instructions and revert to this Court.*

[10] *Afore-referred request is acceded to.*

[11] *List as 'PART HEARD' on 17.04.2026.*

JUDGE

CHIEF JUSTICE

Sandeep'

[4] In instant order, the abbreviations/short forms set out in the tabulation supra as well as abbreviations/short forms used in the earlier proceedings/order dated 27.03.2026 will be used for the sake of brevity, convenience and clarity.

[5] The afore-referred proceedings/order dated 27.03.2026 captures the crux and gravamen of the lis and it also sets out the trajectory



2026:MNHC:145-DB

the matter has taken thus far. Suffice to write that the afore-referred proceedings/order dated 27.03.2026 shall now be read as an integral part and parcel of instant order.

[6] The genesis, as alluded to supra, is a judicial order dated 06.01.2011 made in WP(C)No.141 of 2003 by a Hon'ble Single Judge of Gauhati High Court. In and *vide* this order, Hon'ble Single Judge had *inter-alia* directed State to acquire said land by resorting to Central Land Acquisition Act so that an award is drawn up and further directed that the award amount is to be paid by BSNL and a 4(four) months time frame was also fixed for this exercise. Acting on this order, State initiated proceedings under Central Land Acquisition Act by issuing a notification (*inter-alia* including said land) under Section 4(1) in and *vide* notification dated 23.09.2011 bearing reference No.4/32/LA/2011-Com(Rev). A scanned reproduction of this notification as placed before this Court is as follows:



R. No. 1731
D-1 28/11/11

44-
RR, 305
7/12/11

ANNEXURE-D/1

GOVERNMENT OF MANIPUR
SECRETARIAT: REVENUE DEPARTMENT

NOTIFICATION
Imphal, the 23rd September, 2011.

No. 4/32/LA/2011-Com(Rev) : The Governor of Manipur is pleased to notify under section 4(1) of the Land Acquisition Act, 1894 that the area of land described in the schedule given below is likely to be needed for a public purpose i.e. establishment of Micro Wave Centre and its approach road at Japhou Village, Chandel in Chandel District.

SCHEDULE OF LAND
DISTRICT : CHANDEL
VILLAGE : JAPHOU

Name of the owner : **Shri H. Angting Monsang, s/o (L) H. Kopham Monsang,**
Chief of Japhou village.

Affected area : 1.24 acres for Micro Wave Centre
1.38 acres for approach Road

Total :- **2.62 acres**

Boundary Schedule :
North : K. K. Ngatin's land
South : Japhou village land
West : Japhou village land
East : Television Station, Chandel

2. The Governor of Manipur is also pleased to authorize the Sub-Divisional Officer, Sub-Deputy Collector concerned and staff under their control to take steps under the provisions of section 4(2) read with section 5 of the Land Acquisition Act, 1894 and to submit report to the Collector(LA), Chandel.

By orders & in the name of Governor,
Sd/-
(S. Sunderlal Singh)
Commissioner(Rev), Govt. of Manipur.
Imphal, the 23rd September, 2011.

Memo No. 4/32/2011-Com(Rev)
Copy to :-

- 1) The P.S to Minister(Rev), Manipur.
- 2) The Collector(Land Acquisition), Chandel. With reference to his letter No. DC(CDL)/3/193/84/20 dated 02/08/2011. He is requested to take necessary action and make payment of the bills of advertisement/publication in News papers etc.
- 3) The Director of Printing & Stationery, Govt. of Manipur. He is requested to publish the Notification in Manipur E.O Gazette and furnish a copy each to the Collector(LA), Chandel, the Director, Micro Wave Project, Telephone Exchange Complex, Guwahati-781001 and to the undersigned.
- 4) The Director of Information & Public Relation, Govt. of Manipur. He is requested to publish the Notification in 2(two) local dailies for one day only and furnish a copy each to the Collector(LA), Chandel, the Director, Micro Wave Project, Telephone Exchange Complex, Guwahati-781001 who is acquiring department for payment of bill.
- 5) The Director, Micro Wave Project, Telephone Exchange Complex, Guwahati-781001. He is requested to deposit the amount to be incurred in this connection to the Collector (LA), Chandel for payment of advertisement bill etc. Payable by the Collector(LA), Chandel.
- 6) Guard file.

TRUE COPY

Niranjana Sanasam
Addl. Govt. Advocate-cum-P.P.
(High Court), Manipur

Comm. of Affidavit
High Court of Manipur
Imphal (Manipur)

Under Secretary(Rev), Govt. of Manipur.

Thereafter, the jurisdictional D.C. (Deputy Commissioner) made an order under Section 9 of Central Land Acquisition Act dated 31.07.2012 bearing reference No. DC(CDL)/3/193/84/171 inter-alia calling for objections as regards acquisition of said land for establishment of what has been described as 'Micro Wave Centre'.



[7] Writ petitioner's father is one Mr. H. Angting Monsang, he is no more and his date of demise is 09.03.2017 (prior to filing of WP(C)No. 141 of 2003).

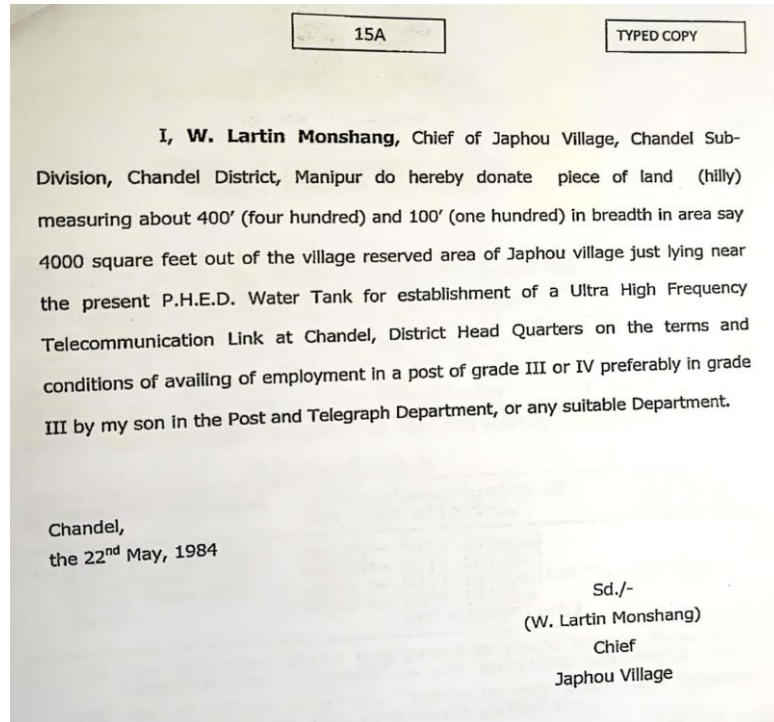
[8] Reverting to the land acquisition proceedings under Central Land Acquisition Act, State did not proceed further (after issuing notification under Section 4(1) and order of D.C. under Section 9) and this necessitated filing of another writ petition by the writ petitioner being WP(C)No.403 of 2023. This writ petition shall be referred to as 'II WP' in instant order for the sake of brevity, convenience and clarity. In this II WP, the writ petitioner sought implementation of directions given *vide* afore-referred 06.01.2011 order made in WP(C)No.141 of 2003 by Hon'ble Single Bench of Hon'ble Gauhati High Court. This II WP was allowed and prayer was acceded to by Hon'ble Single Bench of this Court in and *vide* an order dated 11.01.2024 and this 11.01.2024 order made by Hon'ble Single Bench is the impugned order in the captioned intra-court appeal i.e., captioned WA (as already alluded *supra*).

[9] Notwithstanding myriad grounds raised in the memorandum of grounds of appeal, State counsel predicated his campaign against the impugned order on 2(two) points and they are as follows:

(i) said land was donated by one W. Lartin, the then Chief of Japhou Village and this has not been brought to the notice of the Gauhati High Court before filing of I WP. To be noted, afore-referred WP(C)No.141 of 2003 in the Gauhati High Court, from hereon and henceforth is being referred to as 'I WP' for the sake of convenience and clarity. In this regard, State has placed



before this Court an unregistered/unstamped writing plain paper (dated 22.05.1984) and a scanned reproduction of the clean copy of the same is as follows:



(ii) The second point on which learned State counsel predicated his campaign against the impugned order is that State was not given an opportunity for filing a counter and effectively opposing and resisting the I WP.

[10] As regards BSNL, Mr. BR Sharma, learned Central Government Standing Counsel very fairly submitted that BSNL remains neutral and it has not assailed either the impugned order made in II WP or the earlier order dated 06.01.2011 made in the I WP. To be noted, this has been recorded in paragraph 6 of the impugned order, which means that BSNL did not oppose or resist II WP before Hon'ble Single Bench also.



[11] On the contrary, BSNL has addressed a letter dated 24.03.2023 bearing reference No.TF/NE/Legal/Cont.Notice/01-2020/31 to the writ petitioner making it clear that they are yet to receive communication regarding land acquisition and a scanned reproduction of this letter is as follows:

76 ANNEXURE-8/1

O/o the Chief General Manager, Core Network (Tx-NE Region) कार्यालय, मुख्य महाप्रबंधक, कोर नेटवर्क (ट्रांस-उत्तर पूर्व क्षेत्र) 7 th Floor, BSNL Bhawan, Panbazar, Guwahati-781001 7 वीं मंजिल, बी एस एन एल भवन, पान बाजार, गुवाहाटी-781001 दूरभाष: 0361 2541200, Fax: 0361 2540900	 भारत संचार निगम लिमिटेड (भारत सरकार का उपक्रम) BHARAT SANCHAR NIGAM LIMITED (A Govt. of India Enterprise)
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No.TF/NE/Legal/Cont.Notice/01-2020/31 Dated at Guwahati 24-03-2023

(Through Registered / Speed Post)

To
 ✓ Shri Rolly Hongam
 ✓ S/o Late Shri H. Angting Monsang
 Chandel Village,
 PO PS and Dist-Chandel,
 Manipur-795127

Subject:- Application for implementation of Hon'ble Gauhati High Court, Imphal Branch dated 06/01/2011 passed in W.P(C) No.141 of 2003 – regarding.
 Ref :- Your letter No. Nil dated Nil received in this office on 13-03-2023.

Inviting kind reference to the letter and subject cited above, it is to mention that as per para 13 of Judgement / Order of Hon'ble Gauhati High Court, Imphal Branch dated 06/01/2011 passed in W.P(C) No.141 of 2003, respondents -3 and 4 are directed to acquire the said land under the Land Acquisition Act 1894 and the award should be prepared by the Collector for the said land and the amount of the award should be borne by the respondents-1 and 2.

This office has received no communication from respondents -3 and 4 in this regard so far. Therefore, it is requested to kindly pursue the case with respondents -3 and 4 please.

This is issued with approval of CGM, CN Tx, NER, Guwahati.

Dilip Kr. Medhi
 DGM(P&A)
 o/o CGM, CN Tx, NER, Guwahati.

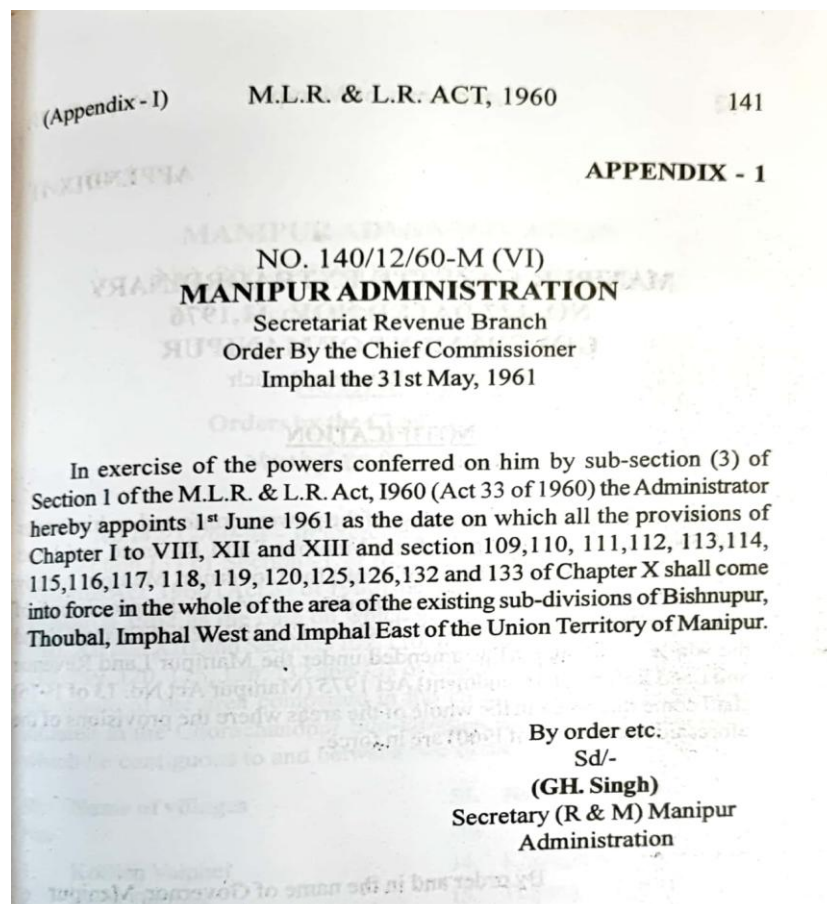
Copy to:- The GM, CN TX, NER, Shillong for kind information please.

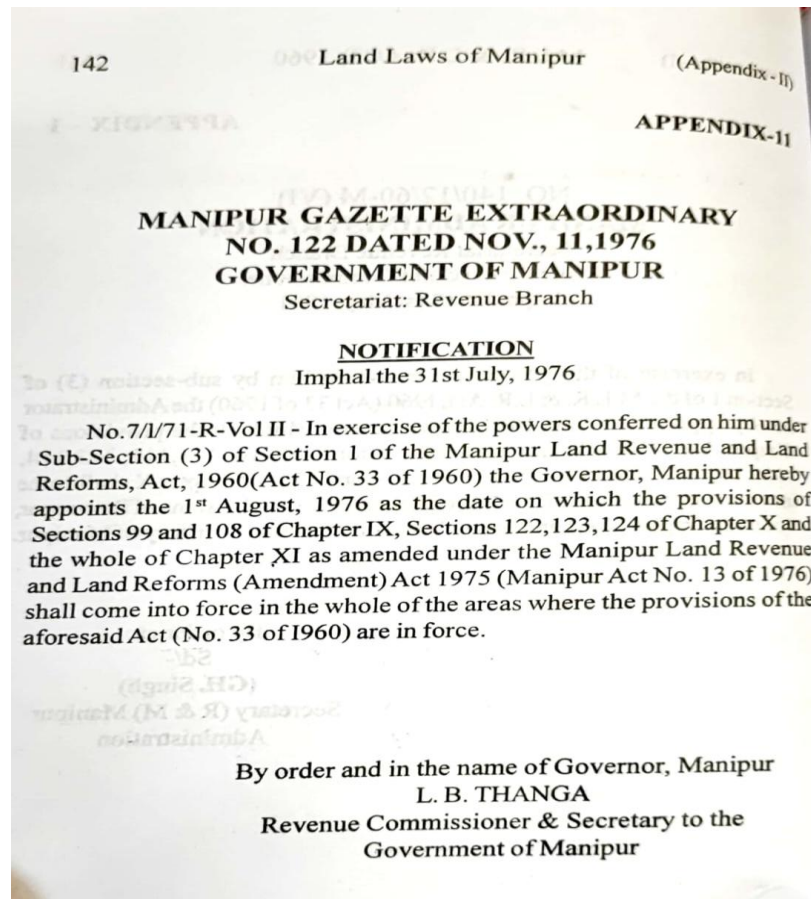
The afore-referred letter seen in the context of the neutral stated position of BSNL makes it clear that they are not opposing the land acquisition proceedings and the obvious sequitur is they would pay the compensation as determined by State under Section 11 of the Central Land Acquisition Act.

[12] Before setting out our discussions and also writing our dispositive reasoning *qua* the afore-referred two points raised by the State counsel, it is necessary to advert to 2(two) aspects of the matter. One aspect



is that vide an order dated 30.10.1984 bearing reference No.21/56/84-R, Government of Manipur has allotted said land to BSNL by resorting to section 14(2) of the MLR & LR Act, and Rule 18 of MLR Rules. The second aspect of the matter is 3(three) queries set out in paragraph 8 of afore-referred earlier proceedings dated 27.03.2026. As regards the first query, MLR & LR Act is undoubtedly a conditional legislation and *vide* 2(two) notifications made by State Government, one dated 31.05.1961 bearing reference No. 140/12/60-M (VI) and another dated 31.07.1976 bearing reference No. 7/1/71-R-Vol II, various provisions of MLR Act have come into force. A scanned reproduction of these two notifications are as follows:





It may not be necessary to dilate more on this aspect of the matter as sections 1 and 2 of MLR Act which we are concerned with have kicked in. As regards the second query, learned State counsel very fairly submitted that a village spelt as 'Japhow' in Tengnoupal sub-division is the same village in which said land situate and it is 'Japhou' village. This means that Japhou Village has been notified as a Hill area and it qualifies as a Hill area within the meaning of section 2(j) of the MLR & LR Act. This also means that vide sub-section (2) of section 1, MLR Act does not extend to Japhou Village but as further discussions on this or dilating more on this would amount to travelling beyond legal perimeter of the captioned intra-court appeal, we refrain from doing so and we stop with recording this obtaining position. This by itself answers the third query also.



[13] Reverting to 2(two) points on which learned State counsel predicated his campaign against the impugned order, the afore-referred 22.05.1984 writing in an unregistered/unstamped piece of paper besides not being a transfer of property by way of gift is of no significance and it pales into insignificance owing to the notification under section 4(1) of Central Land Acquisition Act, as the notification clearly refers to the writ petitioner's father as the owner of said land. It also refers to the writ petitioner's father as chief of Japhou village. To be noted, this notification under Section 4(1) of Central Land Acquisition Act has already been scanned and reproduced elsewhere supra in instant order and there is also allusion about the same elsewhere supra in this order. Therefore, this section 4(1) notification besides dousing the first point urged by the learned State counsel also makes it clear that State has accepted the 06.01.2011 judicial order made by Hon'ble Gauhati High Court in I WP as it acted on the same and commenced land acquisition proceedings under Central Land Acquisition Act. This is another factor which goes against the State as regards the first point.

[14] This takes this Court to the second point urged by learned State counsel. The second point is that State was not given opportunity to file counter affidavit and oppose the WP. Be that as it may, in this intra-court appeal, State has been heard amply, adequately and State has also filed an affidavit-in-opposition being affidavit-in-opposition dated 06.11.2025 along with annexures. As regards counter affidavit and opportunity to State, the I WP is of the year 2003 and it was disposed of 8(eight) years later in 2011 (06.01.2011) but State had not chosen to file counter affidavit. This has also



been recorded in paragraph 2 of the order of Hon'ble Gauhati High Court in paragraph 2 of order dated 06.01.2011 in I WP and the same reads as follows:

'2. This Court is not giving any assistance either from the learned G.A. appearing for the respondents 3 and 4 or from the learned CGSC appearing for the respondent No.1. Till date, none of the respondents filed affidavit-in-opposition.'

[15] As regards the II WP, (to be noted, order dated 11.01.2024 made in II WP is the impugned order in the captioned intra-court WA), State was given opportunity and State filed an affidavit-in-opposition along with 8(eight annexures). Learned State counsel very fairly submits that the affidavit-in-opposition in II WP was filed on 29.08.2023.

[16] This Court also deems it appropriate to write as part of dispositive reasoning that State which is on appeal is not in any manner aggrieved and there is no expenditure for the State as all that the State has been called upon to do is to resort land acquisition proceedings vide Central Land Acquisition Act and it has been made clear that the award that is to be made (obviously under Section 11 of Central Land Acquisition Act) has to be paid by BSNL. To be noted, BSNL no doubt is a Government of India enterprise but it is ready to pay out award amount. On equity too, this Court finds that BSNL has the benefit of 40000 (forty thousand) square ft. of land which is nearly 1(one) acre, as regards the writ petitioner is concerned and BSNL has admittedly set up 'Micro Wave Centre', built an office which are all operational/functional which in effect means that said land is being put to full use by the requisitioning authority viz., BSNL without resorting to land acquisition proceedings.



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[17] Though obvious, land acquisition proceedings already started by State, shall proceed on its own merits and in accordance with law and this order will neither serve as an incentive for either party nor impede the contentions of both parties. In other words, this order will neither impel nor impede land acquisition proceedings.

[18] Ergo, sequitur of narration, discussion and dispositive reasoning thus far is, captioned WA fails, the same is dismissed and impugned order of Hon'ble Single Bench being order dated 11.01.2024 made in WP(C)No.403 of 2023 is confirmed. Consequently, captioned MC thereat perishes with WA and the same is also dismissed. There shall be no order as to costs.

JUDGE

CHIEF JUSTICE

FR/NFR

John Kom

P.S. I : Upload forthwith.

P.S. II : All concerned will stand bound by web copy uploaded in High Court website inter-alia as the same is QR coded.

JOHN
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