*Item No. 2*

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

**W.P. (C) No. 207 of 2020**

Thiyam Pahari Meitei aged about 48 years old, S/o (L) Th. Chinglen of Langol Aying Leikai, P.O & P.S. Lamphel, Imphal West District, Manipur-795004 **& 16 Ors.**

……. *Petitioners*

-Versus-

State of Manipur through the Commissioner (Revenue), Government of Manipur, Old Secretariat South Block, P.O. & P.S. Imphal, Manipur PIN No. 795001 **& 3 Ors.**

*…… Respondents*

B E F O R E
**HON'BLE MR. JUSTICE MR. AHANTHEM BIMOL SINGH**

**O R D E R**

12.05.2020

**[1]** Heard Mr. Jotendro, learned senior counsel appearing for the petitioners assisted by Mr. L. Shyam. Also heard Mr. Lenin Hijam, learned Addl. AG, Manipur on behalf of the respondents.

**[2]** The present writ petition has been filed with a prayer for issuing a writ in the nature of mandamus or any appropriate writ directing the respondents not to evict the petitioners from the land presently in their possession.

**[3]** As per the submissions of the learned senior counsel for the petitioners the present writ petition had been filed when they were directed verbally on 29.04.2020 by some officer of the Divisional Forest Officer, Langol led

by Shri Mobi Singh, who is presently working as Range Officer under the DFO, Langol of Keishamthong Moirang Ningthou Leirak, to vacate from the land presently under their possession within 48 hrs.

It is also, however submitted that no formal notice in writing had been given to any of the petitioner by the concerned officials of the Forest Department till date.

**[4]** On the other hand, Mr. Lenin Hijam, learned Addl. AG submitted that the petitioners are illegal encroachers on Reserve Forest Land and they are required to be evicted to protect the reserved forest area and that since the petitioners are all illegal encroachers they can be evicted without giving any notice as per the relevant provisions of the Forest Acts and Rules.

**[5]** On the other hand Mr. N. Jotendro, learned senior counsel submits that under Rule 81 (4) of the Manipur Forest rules 1971 it is provided that even a trespasser /encroacher cannot be evicted from reserved forest land without giving him notice and a reasonable opportunity of being heard.

**[6]** After hearing the counsels of the parties this Court is of the view that if the petitioners are to be evicted from the land presently in their possession they should be given notice and a reasonable opportunity of being heard as provided under rule 81 (4) of the Manipur Forest Rules 1971. Only after considering their objections, the State respondents can evict the petitioners in accordance with law.

**[7]** In view of the above, the present writ petition is disposed of with the direction that the petitioners may not be evicted from the land presently in their possession without giving them notice and a reasonable opportunity of being heard as provided under the Manipur Forest Rules, 1971.

A copy of this order may be furnished to both the learned counsels appearing for the parties.

**JUDGE**

*Sapana*

WAIKHOM TONEN MEITEI

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