IN THE HIGH COURT OF MANIPUR

AT IMPHAL

W.P. (C) No. 377 of 2019

Mr. Gaibi Panmei aged about 42 years, S/o Phainimang Panmei, R/o Chaengdai Village, P.O. & P.S. Tamenglong, Tamenglong District, Manipur – 795141.

… Petitioner

-Versus-

1. State of Manipur, represented by its Secretary/ Commissioner (Rev.), Government of Manipur, Secretariat New Building, Babupara, P.O. & P.S. Imphal West, Imphal West District, Manipur – 795001.
2. Deputy Commissioner /LAC, Tamenglong, Government of Manipur, P.O. & P.S. Tamenglong, Tamenglong District, Manipur – 795141.

…. Respondents

B E F O R E

HON'BLE MR. JUSTICE KH. NOBIN SINGH

O R D E R

15-01-2020

[1] Heard Shri D. Julius Riamei, learned counsel appearing for the petitioner and Shri Niranjan Sanasam, learned Government Advocate appearing for the respondents.

[2] By the instant writ petition, the petitioner has prayed for issuing a writ of mandamus or any other appropriate writ to direct the respondent No.2 to make payment of compensation as per the award dated 07-04-2015 passed by him to the claimants through the petitioner being the Power of Attorney holder of the claimants.

[3] According to the petitioner, for the purpose of up-gradation of Khongsang to Tamenglong Road as National Highway-137, lands and

other properties belonging to the claimants were acquired for which the award dated 07-04-2015 was passed by the respondent No.2. The said award was passed by the respondent No.2 after completing the procedures as prescribed in the Land Acquisition Act, 1894. The payment of compensation to the claimants under the said award dated 07-04-2015 was made to the claimants of Khongsang (Sangrung), Namkaolung (Kaikao) and Sangrungpang Villages as first phase. The respondent No. 2 made payments to the claimants through the petitioner as he is their Power of Attorney holder and moreover, it is the petitioner who has been persistently pursuing the cause of each and every claimant.

[4] Upon persistently pursuing the matter for early release of the funds for payment of compensation to the remaining villages as per the said award dated 07-04-2015, the respondent No.2 finally requested the National Highway Infrastructure Development Corporation Limited for release of the balance amount. The petitioner has reason to belief that pursuant to the letter dated 25-03-2019 of the respondent No.2, the National Highway Infrastructure Development Corporation Limited has deposited the compensation amount and accordingly, the instant writ petition has been filed by the petitioner praying for payment of the remaining compensation to the claimants through him.

[5] During the pendency of the writ petition, the petitioner has filed an additional affidavit stating that this court in writ petition being WP(C) No.854 of 2016 vide its order dated 01-03-2017 directed the payment of compensation through the petitioner. It has further been stated that there are about eight hundred claimants whose claims for payment of compensation are yet to be disposed of under the said award dated 07-04-2015. It has also been stated that most of the claimants are villagers who do not have bank accounts in their names.

[6] During the course of hearing, it has been submitted by the counsel appearing for the petitioner that the instant writ petition can be disposed of by issuing an appropriate direction to the respondent No.2

keeping in mind the facts and circumstances of the case. No counter on behalf of the respondents has been filed in the matter and after having heard the learned counsels appearing for the parties, this court is of the view that the instant writ petition can be disposed of and accordingly, the instant writ petition stands disposed of with the direction that the respondent No.2, Deputy Commissioner/LAC, Tamenglong shall consider the case of the villagers/ claimants who do not have bank accounts in their names and find out a mechanism by which the compensation amount can be released to them directly or through the petitioner as prayed by him provided the villagers/ claimants give their consent in writing in that regard, if possible by way of affidavits.

JUDGE

Devananda

WAIKHOM TONEN MEITEI
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