IN THE HIGH COURT OF MANIPUR
AT IMPHAL

W.P.(C) No. 384 of 2020

Saka Tomoi Maring & Anr. ...*Petitioners*
Vrs.

State of Manipur & 2 ors. ...*Respondents*

B E F O R E
HON'BLE MR. JUSTICE KH. NOBIN SINGH
(Video Conference)

15.07.2020.

Heard Mr. S. Biswajit Meitei, learned counsel appearing for the petitioners and Mr. Neeranjan Sanasam, learned GA for the respondents.

[2] According to the petitioners, they are the pattadars in possession of the homestead lands for the last many years and the Jamabandis were issued in their favour for which they have been paying annual tax to the Revenue Department.

[3] The Deputy Commissioner, Kakching issued a notice dated 24.05.2018 informing the land holders/pattadars along the both sides of NH-2 (Indo-Myanmar Road) whose lands are partly or wholly affected in widening of the road that the State Cabinet has given its approval to the rates of acquisition of the land by direct purchase. The said notice was published in the local Daily Newspapers.

[4] The names of the petitioners/recorded pattadars were not in the list of names of those whose lands are situated along the NH-2 with the result that the petitioners were denied the opportunity to claim the

rights/interest or to raise any objection by the petitioners being the recorded pattadars in relation with the acquisition of the said land by direct purchase, although some of the adjacent pattaland were already given compensation in respect of lands including standing properties.

[5] Being aggrieved, the petitioners approached the Deputy Commissioner, Kakching by submitting two separate representations praying for clarifying the reason for omission/non-inclusion of the names of the petitioners on 04.08.2018 which were received by the office of the D.C. on the same day. The petitioner No. 1 submitted another representation dated 17.09.2018 to the Deputy Commissioner, Kakching requesting for re-assessment of the values of the standing properties or other constructions erected within the homestead land of the petitioner so as to enable him to receive compensation and the same was received by the office of the D.C.,Kakching on 18.09.2018.

[6] It has been submitted by the counsel appearing for the petitioners that the petitioners are the pattadars of the said homestead land for the last many years by paying the taxes to the Revenue authorities regularly for which there is no dispute at all and therefore, to acquire and use the portion of homestead lands including the structures by the Government for expansion of road without giving appropriate compensation is highly irregular, illegal and inhuman. Petitioners have relied upon the order dated 21.02.2019 passed by this Court in W.P.(C) No. 938 of 2018 wherein this Court has disposed of the petition

permitting the petitioners therein to file a fresh representation before the Deputy Commissioner, Kakching so that the same can be considered by the Deputy Commissioner, Kakching and disposed of by passing a speaking order.

[7] When the matter is taken up for consideration, it has been submitted by the counsel appearing for the petitioners that the instant writ petition can be disposed of in terms of the prayer (d) and also in terms of the order dated 21.02.2018 passed by this Court in W.P.(C) No. 938 of 2018 to which the learned counsel appearing for the respondents has no objection and accordingly, the writ petition stands disposed of with the direction that the petitioners shall submit a fresh representation to the Deputy Commissioner, Kakching within a period of 1 (one) week from the date of receipt of a copy of this order and in the event of such representation being submitted by the petitioners, the Deputy Commissioner, Kakching shall consider it and dispose of the same within a period of 2(two) months from the date of receipt of a copy of the representation by issuing a speaking order in respect thereof.

Copies of this order shall be sent to the counsels appearing for the parties through their WhatsApp/e-mail.

JUDGE

Dhakeshori

WAIKHOM TONEN MEITEI

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