Yumkham Rother
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Item No. 22
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IN THE HIGH COURT OF MANIPUR
AT IMPHAL

MC (PIL) No. 35 of 2020
(Ref: - PIL No. 5 of 2019)

Lamjakap Kipgen aged about 32 years, son of Demlal Kipgen, a resident of Lhangkichoi Village, Motbung, P.O. & P.S. Kangpokpi, Kangpokpi District, Manipur – 795107.

……. *Applicant*

- Versus –

1. The State of Manipur through the Chief Secretary, Govt. of Manipur, South Block, Secretariat, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.
2. The Additional Chief Secretary (Forest and Environment), Old Secretariat, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.
3. The Chairman, Manipur Pollution Control Board, DC Complex Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Manipur – 795004.
4. The Commissioner/Secretary/Principal Secretary, Water Resources Department, Government of Manipur, Secretariat, P.O. & P.S. Imphal, Imphal West, Manipur -795001.
5. The Chairman/Head of State Environment Impact Assessment Authority (SEIAA), P.O. & P.S. Porompat, Imphal East District, Manipur – 795005.
6. The Deputy Commissioner/ Chairman, District Environment Impact Assessment Authority (DEIAA), Imphal East, Manipur – 795005.
7. The Divisional Forest Officer, Central Mantripukhri, P.O. & P.S. Mantripukhri, Imphal East District, Manipur – 795002.
8. The Union Government represented by the Secretary, Ministry of Environment, Forest and Climate Change, Government of India, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi - 110003.

9. The Member Secretary, Manipur Biodiversity Board, Forest Department, Sanjenthong, Imphal East District, Manipur – 795001.

10. The Principal Secretary (Trade, Commerce & Industries), Government of Manipur, Secretariat Building, Babupara, P.O. & P.S. Imphal , Imphal West District, Manipur – 795001.

11. The Director of Trade, Commerce & Industries, Government of Manipur, Lamphelpat, Imphal, Imphal West District, Manipur – 795004.

12. The Officer-in-charge, Internal Task Force (Mining), Directorate of Trade, Commerce & Industries, Government of Manipur, Lamphelpat, Imphal, Imphal West District, Manipur-795004.

…. Respondents

For the applicant	:	Mr. H. Dijen, Advocate
For the Respondents	:	Mr. N. Kumarjit, Advocate General. Mr. S. Suresh, ASG
Date of Order	**:**	**01.09.2020**

BEFORE
HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR
HON'BLE MR. JUSTICE KH. NOBIN SINGH

ORDER (ORAL)

Ramalingam Sudhakar, CJ

[1] The prayer in MC (PIL) No. 35 of 2020 is as follows :-

> *"It is, therefore, prayed that your Honour may be pleased to release the said Tata Truck bearing Registration No. MN07C/4334, Chasis No. 344073793716 and Engine No. 692D01797791 in the custody of the applicant for the ends of justice."*

[2] The miscellaneous application has been filed for release of vehicle which was seized by the respondents. This Court, in similar case for release of vehicle, namely, MC (PIL) No. 10 of 2019 [Ref:- PIL No. 5 of 2019], disposed it of by order dated 20.11.2019 whereby certain directions were issued for release of vehicle on deposit of certain amount.

[3] Mr. H. Dijen, learned counsel appearing for the applicant pleaded that he will not repeat the offence and stated that he is willing to make voluntary non-refundable deposit to any organization that the Court may direct to show his bonafide and good will.

[4] Keeping in mind the above, the miscellaneous application stands allowed with the following directions :-

(a) The applicant shall not carry on the business of lifting sand and stone for selling them to the public until the permit is issued by the State Government in accordance with law.

(b) The applicant shall co-operate with the investigation being conducted by the authorities of the Directorate of Trade, Commerce and Industries, Government of Manipur.

(c) The applicant shall deposit a sum of Rs. 5,000/- (Rupees five thousand) only, being refundable, to the Director of Trade, Commerce and Industries, being refundable, which can be adjusted against the fine, if any, that may be imposed after the proceedings initiated against the applicant is completed.

(d) The applicant volunteers to donate a sum of Rs. 10,000/- (Rupees ten thousand) only to the Manipur State Legal Services Authority.

(e) The applicant volunteers to donate a sum of Rs. 10,000/- (Rupees ten thousand) only to the Orphanage/Children home recognized by Social Welfare Department, Manipur, namely, **Destitute Children Home run by Lower Lamka Women Society, Churachandpur S.A. Road, Churachandpur District, having bank A/c No. 0255050010754 of UBI Bank, Churachandpur.**

[5] The above directions (a), (b), (c) and voluntary undertaking as per (d) & (e) shall be complied with within two weeks from the date of receipt of a copy of the order. Subject to the production of proof of deposit as above, the vehicle can be released thereafter. Copy of the proof of deposit is to be furnished to this Court also.

The miscellaneous application stands allowed as above.

JUDGE **CHIEF JUSTICE**

FR/NFR

Sandeep