Item No. 1
(Through Video Conferencing)

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

W.P.(C) No. 442 of 2020

1. Md. Tamijur Rahman, aged about 68 years, s/o (Late) Ajijur Rahman of Keirao Makting Makha, P.O. Singjamei, P.S. Irilbung, Imphal East District, Manipur, Pin : 795008.

2. Md. Nurjaman Khan, aged about 68 years, s/o (Late) Asraf Ali of Keirao Makting Makha, P.O. Singjamei, P.S. Irilbung, Imphal East District,Manipur, Pin : 795008.

3. Md. Tayeb Ali, aged about 62 years, s/o, (late) Tomba of Keirao Makting Sabal, P.O. Singjamei,P.S. Irilbung, Imphal East District, Manipur, Pin : 795008.

4. Md. Jaman Ali, aged about 57 years, s/o, (late) Imam Ali of Keirao Makting Makha, P.O. Singjamei, P.S. Irilbung, Imphal East District, Manipur Pin : 795008.

5. Md. Fikar Ali, aged about 36 years, s/o (late) Md. Alimuddin of Keirao Makting Makha, P.O. Singjamei, P.S. Irilbung, Imphal East District, Manipur Pin : 795008.

6. Md. Abdul Malik, aged about 38 years, s/o (late) Md. Abdullah of Keirao Makting Sabal, P.O. Singjamei, P.S. Irilbung, Imphal East District, Manipur : Pin 795008.

7. Md. Abdul Helim, aged about 43 years, s/o (late) Md. Samad Ali of Keirao Makting Mangya, P.O. Singjamei, P.S. Irilbung, Imphal East District, Manipur, Pin : 795008.

8. Md. Mijubur, aged about 40 years, s/o (late) Md. Jallaluddin of Keirao Makting Sabal, P.O. Singjamei, P.S. Irilbung, Imphal East District, Manipur, Pin : 795008.

9. Md. Jahur Ali, aged about 55 years, s/o (late) Md. Mansur Ali of Keirao Makting Awang, P.O. Singjamei, P.S. Irilbung, Imphal East District, Manipur, Pin : 795008.

10. Md. Amir Khan, aged about 45 years, s/o (late) Md. Rahimuddin of Keirao Makting Makha, P.O. Singjamei, P.S. Irilbung, Imphal East District, Manipur, Pin : 795008.

11. Mohamed Nazir Ahmed, aged about 50 years, s/o (late) Rashid Ali of Keirao Makting Awang, P.O. Singhjamei, P.S. Irilbung, Impal East District, Manipur, Pin : 795008.

....Petitioners

- Versus -

1. State of Manipur through the Secretary (Law & Legislative Affairs), Government of Manipur, Manipur Secretariat, New Building, P.O. & P.S. Imphal, Imphal West District, Manipur, Pin : 795001.

2. The Manipur Human Rights Commission having its office at Courts Complex, Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Pin : 795001.

3. The Director General of Police, Manipur having its office at Police Head Quarters Building, P.O. & P.S. Imphal, Manipur, Pin : 795001.

4. The Officer in-charge, Irilbung Police Station, P.O. Singjamei, Imphal East District, Manipur, Pin : 795008.

5. Md. Rafijuddin Shah, aged about 40 years, s/o (late) Karimuddin Shah of Keirao Makting Menjor Ingkhol, P.O. Singjamei, P.S. Irilbung, Imphal East District, Manipur, Pin : 795008.

...Respondents

BEFORE
HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR

For the petitioners	:	Mr. K. Rabei, Advocate
For the respondents	:	Mr. RK. Umakanta, Government Advocate
Date of hearing & order	:	14.08.2020

O R D E R(ORAL)

[1] Heard Mr. K. Rabei, learned counsel appearing for the petitioner and Mr. RK. Umakanta, learned G.A. appearing for the respondents.

[2] This writ petition has been filed by the petitioners challenging the proceeding in MHRC Complaint Case No. 104 of 2020 (Annexure – A/2) and the

interim order dated 23.07.2020 in a complaint filed by Md. Rafijuddin Shah before the Commission.

[3] Respondents No. 1, 3 & 4 are represented by Mr.R.K.Umakanta, learned Government Advocate. Respondent No. 2 (i.e. Manipur Human Rights Commission) is a formal party. Respondent No. 5 is a complainant before the Manipur Human Rights Commission (MHRC). However, by the nature of the order to be passed, notice to the respondent No. 5 is dispensed with.

[4] Respondent No. 5 has filed a complaint before the Manipur Human Rights Commission stating that the he owns Phourel Loupham measuring 0.62 acres at Awang Pat Loukol and some persons unauthorizely are trespassing into the Loupham of the complainant and other co-cultivators and stopped irrigation of water to their respective Louphams and destroyed pisciculture.

[5] It appears to be a case of third party interfering with the life and livelihood of the complainant. Pleading that there is a threat to his life and livelihood, a complaint has been made against the so called trespassers and with a prayer that the same should be investigated by the Officer in-Charge of the Police Station concerned.

[6] The Commission was of the view that there is a prima facie case fit for inquiry under Section 12 of the Protection of Human Rights Act, 1993. The case was taken on file and as an interim measure, the Irilbung Police Station was instructed to prevent the trespassers/unauthorized intruders named in Annexure – A/2. It is stated that this order has caused some law and order problem.

[7] The present writ petition has been filed by 11 petitioners pleading that a false and fabricated case has been filed before the Manipur Human Rights Commission and the Police are harassing the petitioner on the basis of the

interim order of the Commission. There is no case of Human rights violation. It is a civil dispute.

[8] When a specific question was asked as to why the petitioners have not approached to the Human Rights Commission for recalling the order or for dismissing the petition, Mr. K. Rabei, learned counsel appearing for the petitioners states that petitioners will take steps and appear before the Human Rights Commission and seek for dismissal of the petition itself on the plea that it is a civil dispute. The said plea is recorded.

[9] The Human Rights Commission has passed an interim order to protect the rights of certain persons. It is always open to the petitioners if they are aggrieved to implead themselves as party respondents before the Human Rights Commission Complaint Case No. 104 of 2020 and seek for dismissal of the petition or recall/review of the interim order. Liberty is given as above.

[10] The writ petition stands disposed of as above.

CHIEF JUSTICE

FR/NFR

Bipin (rt)

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