***Item No. 1***
***(Through Video Conferencing)***

# IN THE HIGH COURT OF MANIPUR
# AT IMPHAL

## W.P.(C) No. 451 of 2020

1. Smt. Afiyah Begum, aged about 46 years, W/o (L) M.V. Alimuddin, resident of Keirao Makting Makha Leikai, P.O. Singjamei P.S. Irilbung and District Imphal East, Manipur – 795008.
2. Md. Rafijuddin Shah, aged about 48 years, S/o (L) Md. Karimuddin Shah, resident of Keirao Makting Menjor Ingkhol Leikai, P.O. Singjame, P.S. Irilbung and District Impahl, Manipur – 795008.
3. Smt. Sabiya Begum, aged about 26 years, D/o (L) Md. Islamuddin, resident of Keirao Makting Makha Leikai, P.O. Singjamei P.S. Irilbung and District Imphal East, Manipur – 795008.
4. Md. Ibo Naha, aged about 43 years, S/o Md. Apik @ Nur Khan, resident of Keirao Makting Old Idgah, P.O. Singjamei P.S. Irilbung and District Imphal East, Manipur – 795008.
5. Md. Iqbal Khan, aged about 55 years, S/o (L) M.V. Abdurshid Khan, resident of Keirao Makting Mayai Leikai, P.O. Singjamei P.S. Irilbung and District Imphal East, Manipur – 795008.
6. Smt. Sauda Khan, aged about 48 years, D/O (L) Ismail Shah, resident of Keirao Makting Awang Leikai, P.O. Singjamei P.S. Irilbung and District Imphal East, Manipur – 795008.
7. Md. Jawad Khan, aged about 35 years, S/O (L) Md. Islamuddin Khan, resident of Keirao Makting Makha Leikai, P.O. Singjamei P.S. Irilbung and District Imphal East, Manipur – 795008.
8. Md. Ayubuddin Shah, aged about 48 years, S/O Hazik Tomba, resident of Keirao Makting Mayai Leikai, P.O. Singjamei P.S. Irilbung and District Imphal East, Manipur – 795008.
9. Md. Motim Khan, aged about 52 years, S/O Md. Najiruddin, resident of Keirao Makting Mayai Leikai, P.O. Singjamei P.S. Irilbung and District Imphal East, Manipur – 795008.
10. Md. Rahaman, aged about 47 years, S/O Hazi Khamba, resident of Keirao Mangya, P.O. Singjamei P.S. Irilbung and District Imphal East, Manipur – 795008.

*….Petitioners*

- Versus -

1. State of Manipur, through the Chief Secretary/Commissioner/Secretary (Home), Govt. of Manipur, Secretariat Building, Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.
2. The Director General of Police, Manipur Police Headquarters, Sanakhwa Yaima Kollup, P.O. &P.S. Imphal, District Imphal West, Manipur – 795001.
3. The Deputy Commissioner (D.C.), Imphal East, DC Road, Porompat, P.O. & P.S. Porompat, District Imphal West Manipur – 795005.
4. The Superintendent of Police (S.P.) Imphal East, Porompat, P.O. & P.S. Porompat, District Imphal East, Manipur – 795005.
5. The Officer-in-charge, Irilbung Police Station, Irilbung, P.O. & P.S. Irilbung, District Imphal East, Manipur – 795008.

…*Respondents*

**BEFORE**
**HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR**

For the petitioners : Mr. B.P. Sahu, Senior Advocate

For the respondents : Mr. Athouba Khaidem, Government Advocate

Date of hearing & order : 19.08.2020

**O R D E R**

[1] Heard Mr. B.P. Sahu, learned senior counsel appearing for the petitioners and Mr. Athouba Khaidem, learned G.A. appearing for the respondents.

[2] Prayer in the writ petition reads as follows :

> "ii) Issue writ of mandamus and / or any other writ/order/direction directing the respondents to register F.I.R.s and take necessary action against the miscreants and members of the 'Louthung-Lourup Development Committee' who have trespassed upon the lands of the petitioners and are obstructing the flow of water for irrigation.
>
> iii) Issue writ of mandamus and/or any other writ/order/direction directing the respondents to strictly ensure the compliance of the order dated 23.907.2020 passed by the Manipur Human Rights Commission."

[3] Writ petitioners 11 (eleven) in number have filed this writ petition for the relief as above to direct the respondents/police to register FIRs and strictly ensure to comply with the order dated 23.07.2020 passed by the Manipur Human Rights Commission. For clarity the order reads as follows :

> PROCEEDING
>
> This Complaint Petition is filed under Section 12 of the Protection of Human Rights Act 1993 by above-named complainant in respect of prayer for or recommendation to the O.C. Irilbung P.S. to take up investigation as per complainant's report dated 20/07/2020 for the booking of all those involved in the alleged offence named in the Annexure A/2 in compliance of the Hon'ble Supreme Court's direction in Lalita Kumari versus Govt. of U.P. and others (W.P.(C)) No. 68 of 2008).
>
> This Commission has examined the contents of the Complaint Petition together with its 2 (two) Annexures. This Commission is of the view that the present complaint petition has made out a *prima facie* case fit for inquiry under Section 12 of the Protection of Human Rights Act 1993.
>
> Hence, register it as MHRC Complaint Case.
>
> Ask DGP, Manipur to instruct O.C. Irilbung P.S., to take up a proper investigation as per ANNEXURE – A/2 and submit a detailed report on or before 18/8/2020.
>
> And in the interim, to instruct O.C. Irilbung P.S. to prevent all or any of the trespassers/unauthorized intruders named in ANNEXURE – A/2 from doing any harmful/destructive activities in the Louphams of complainant and co-cultivators, till the submission of his report on 18/8/2020, if the allegations made in ANNEXURE – A/2 are found genuine and also any person aggrieved by this proceeding may approach this Commission for appropriate remedy if permissible under law.
>
> Send a copy of today's proceeding along with a copy of the complaint petition to Respondents No. 1 & 2 so as to enable them to give their reply.
>
> Fix 18.08.2020 for further proceeding.
>
> Office to take steps.
>
> Sd/-
> (Khaidem Mani)
> Acting Chairperson
> Manipur Human Rights Commission"

[4] Next date of hearing is shown as 18.08.2020 (i.e. yesterday). When a specific question was asked to the learned senior counsel as to

what has happened before the Commission, it is stated that the case was adjourned but, the reason was not clear.

[5] Be that as it may, since the matter is under serious consideration before the Human Rights Commission, interfering with the proceeding of the Human Rights Commission by this Court cannot be appropriate. Therefore, petitioners can pursue the same before the Human Rights Commission. After taking a final decision, the petitioners can work out their remedy in accordance with law. No cause of action arises at this point of time.

[6] Writ petition stands dismissed.

**CHIEF JUSTICE**

**FR/NFR**

*bipin*

WAIKHOM TONEN MEITEI Digitally signed by WAIKHOM TONEN MEITEI Date: 2020.08.20 15:29:12 +05'30'