MAYANG LAMBAM CHANU NANDINI
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Item –23

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

W.P.(C) No.634 of 2020

(Through Video conference)

Smt. Huidrom Ningol Yumlembam Ongbi Mema Devi, aged about 68 years, w/o Late Yumlembam Shamungou Singh, resident of Thangal Bazar, Imphal Town, PO Imphal, PS city Police, Imphal West District, Manipur.

…. *Petitioner/s*

- Versus –

The State of Manipur represented by the Commissioner/Secretary(MAHUD), Old Secretariat South Block, Government of Manipur, Secretariat, Imphal & 6 Ors.

.... *Respondent/s*

BEFORE
HON'BLE MR. JUSTICE MV MURALIDARAN

21.12.2020

[1] When the matter is taken up, I heard A. Golly, learned counsel for the petitioner; Mr. Y. Nirmolchand, learned senior counsel for the 5th respondent and Mr. Y. Ashang, learned GA for the respondent Nos. 1, 3,4, 6 & 7.

[2] The writ petitioner has filed this writ petition seeking the prayers as follows:

> *(a) to issue a rule nisi to the respondent in this behalf and to call for and examine the relevant records, if necessary.*

(b) to make the rule absolute when the respondents failed to show cause or sufficient cause in this regard.

(c) to issue a writ in the nature of mandamus directing the respondents not to proceed with any eviction proceedings for eviction of the petitioner from her land covered by C.S.Dag No.2501(old)/XVI/710(new) of Imphal Municipality area, sheet No.16, Imphal West Tahsil, without following any due process of law;

(d) to stay any eviction proceeding against the petitioner or to pass an interim order directing the respondents, more particularly the respondent No.2, not to evict the petitioner from the disputed land during the pendency of the present writ petition;

(e) to grant such other reliefs, interim as well as final, as to this Hon'ble Court deemed just, expedient and equitable and

(f) to award the costs of this petition in case the respondents contest the same in a vexatious frivolous manner, in the interest of justice and equity.

[2] Though the writ petitioner is seeking the above prayers by averring in the affidavit that all the respondents particularly the respondent No.2 by namely, the Secretary, Planning and Development Authority, North AOC, Imphal, Manipur is taking steps for dismantling the petitioner's house.

[3] After issuing notice to all the respondents, they have filed their counter affidavits, particularly the respondent No.2 in the counter affidavit dated 12.12.2020 it is mentioned as follows:

> *"16. That, it is further submits that the answering respondent did not disturb the possession of the disputed land by the petitioner till today awaring the existence of the court's orders even though the present answering respondent is not a party of the court proceeding."*
>
> *"17. That it is further submitted that the answering respondent will dismantle the house of the petitioner over the disputed land under due process of the law."*

[4] Mr.A. Golly, learned counsel for the petitioner and Ch. Ngongo, learned counsel for the second respondent represented before this Court that the counter affidavit filed by the respondent No.2 mentioning in para No.16 and 17 may be recorded and the writ petition may be closed since Mr. Ch. Ngongo, learned counsel for the second respondent informed this Court that without following due process of law, the second respondent should not be proceeded against this writ petitioner.

[5] Therefore, recording the submission made in the counter affidavit of the second respondent dated 12.12.2020 in para No. 16 and 17. I am inclined to pass the following in the writ petition as follows:-.

(a) this writ petition is disposed of;

(b) the second respondent is hereby directed to take appropriate steps against this petitioner by following due process of law as mentioned in paras Nos. 16 and 17 of the second respondent's counter affidavit dated 12.12.2020.

(d) Issue copy of this order to both the parties through their whatsapp/e-mail.

JUDGE

John kom