IN THE HIGH COURT OF MANIPUR
AT IMPHAL

WP(C) No. 646 of 2020

Ningthoujam Sanatomba Singh, aged about 45 years, S/o(L) Ningthoujam Meino Singh by occupation a Farmer and a resident of Nongbrung Makha Leikai, Keirao Bitra, P.O & P.S. Yairipok in Imphal East District, Manipur-795149.

…….Petitioner

-Versus-

1. The State of Manipur represented by the Commissioner, Revenue, Govt. of Manipur at Imphal-795001.

2. The Sub Divisional Officer, Keirao Bitra at Porompat in Imphal East District, Manipur-795008.

3. The Sub Deputy Collector, Tulihal at Porompat in Imphal East District, Manipur-795140.

4. The Sub Deputy Collector, Imphal East at Porompat in Imphal East District at Imphal, Manipur-795005.

……. *Official Respondents*

5. Koijam Achou Singh, aged about 50 years, S/o (L) K. Angouton Singh of Nongbrung Keirao Bitra, P.O. & P.S. Yairipok in Imphal East District, Manipur-795149.

…..*Private Respondent*

BEFORE
HON'BLE MR. JUSTICE M.V. MURALIDARAN

For the Petitioner :: Mr. N. Umakanta, Advocate.

For the Respondents :: Mr. Niranjan Sanasam, G.A.

Date of Hearing and
Judgment & Order :: **17.12.2020**

JUDGMENT AND ORDER
(ORAL)

This writ petition has been filed by the petitioner seeking a writ of mandamus directing the second respondent to consider and dispose of the appeal dated 8.7.2019 filed by the petitioner.

2. Heard Mr. N. Umakanta, learned counsel for the petitioner and Mr. Niranjan Sanasam, learned Government Advocate for the respondents 1 to 4.

3. The case of the petitioner is that his family members are in possession and occupation of a piece of Government Khasland covered by C.S.Dag No.1199 to an extent of 0.052 acre in Village No.84-Nongbrung in Keirao Bitra Sub Division, Imphal East District for more than fifty years after getting the same on consideration from the earlier occupier of the said land namely one late Chingakham Mukta Singh. Ever since the petitioner's family came into possession of the said land, they have been occupying it openly while developing it to make it suitable for cultivation of paddy crops and other seasonal vegetables etc. In fact, the said land is a means of income as well as sustenance for the petitioner's family.

4. Further case of the petitioner is that he is doing cultivation in the said land and besides the fact that he is the youngest in the family, it was decided in the family that he should approach the authorities to claim for allotment of the said land in his favour. While the petitioner approaching the authorities for allotment of the said land in his favour, the petitioner's family were summoned by the revenue authorities and they were informed that the fifth respondent has become the owner of the said land, for which a jamabandi patta has been issued in his favour.

5. It is averred that the petitioner came to know that the entry of the fifth respondent's name as owner of the land was purportedly done on the basis of mutation order dated 13.3.1985 passed by the second respondent. On 8.7.2019, the petitioner preferred an appeal before the second respondent and the said appeal is pending till date without any progress. Hence, the petitioner has filed the present writ petition seeking the relief aforesaid.

6. Heard the learned Government Advocate appearing for the official respondents on the submissions made by the learned counsel for the petitioner,

7. The main grievance of the petitioner is that without his knowledge and notice, the revenue authorities have issued jamabandi patta in favour of the fifth respondent and the revenue authorities are bound to show as to how a Government Khasland has suddenly become a private patta land without any process of law and that the private patta issued in favour of the fifth respondent is fabricated one.

8. Today when the matter is taken up for hearing, the learned counsel for the petitioner submitted that it is suffice that if a direction is issued to the second respondent namely the Sub Divisional Officer, Keirao Bitra, Imphal East District to pass appropriate orders on the petitioner's appeal dated 8.7.2019.

9. The learned Government Advocate has also agreed that without going into the merits of the case, if the Court directs the second respondent to consider the appeal of the petitioner by affording opportunity to the petitioner as well as the private respondent, they are ready to dispose of the appeal.

10. Considering the submissions made by the learned counsel appearing on either side and without going into the merits of the matter, the writ petition is disposed of with a direction to the second respondent to consider the appeal dated 8.7.2019 filed by

the petitioner after affording sufficient opportunity to both the petitioner and the fifth respondent and pass a reasoned order within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

11. Registry is directed to issue copy of this order to both the parties through their WhatsApp/e-mail.

JUDGE

FR/NFR

Sushil

Yumkham Rother

Digitally signed by Yumkham Rother
Date: 2021.01.28 11:30:29 +05'30'