
(2020) 02 MAN CK 0002
In the Manipur High Court
Case No : Writ Petition (c) No. 82, 88 Of 2019

Karong Kipnu Kom

APPELLANT

Vs

State Of Manipur And Ors

RESPONDENT

Date of Decision : 04-02-2020

Acts Referred:

Citation : (2020) 02 MAN CK 0002

Hon'ble Judges : Kh. Nobin Singh, J

Bench : Single Bench

Advocate : Th. Babita, Niranjana Sanasam

Final Decision : Allowed

Judgement

[1] Heard Ms. Th. Babita, learned Advocate appearing for the petitioner and Shri Niranjana Sanasam, learned Government Advocate appearing for the State respondents.

[2] Since both the above writ petitions have arisen out of a similar set of facts, the same are being disposed of by this common judgment and order.

[3.1] According to the petitioner, she is an Assistant Teacher, SHADC, Kangpokpi, Government of Manipur who was allotted a Government Quarter No. Type-II/23-CP at Lamphelpat vide order dated 24-10-2016 and was occupying the same after fulfilling all the formalities.

[3.2] The petitioner's husband is a chronic Diabetic patient suffering from B.P stroke and he went to Delhi for treatment along with the petitioner. During her absence, the petitioner's friend Smt. Sonia Devi was requested to look after the quarter staying therein. However, Smt. Sonia Devi, in the absence of the petitioner while she was in Delhi for treatment, was taken by the official of the PWD, Manipur as sub-letting vide a letter dated 12-01-2018 and consequently, the Deputy Commissioner, Imphal West was moved for eviction of Smt. Sonia Devi from the quarter. On 18-01-2018, the Deputy Commissioner issued a letter

to carry out the eviction of Smt. Sonia Devi from the quarter for which a notice dated 02-02-2018 was issued by the SDO, Lamphel in Eviction Case No. 2 of 2018 registered against Smt. Sonia Devi and accordingly, she was directed to appear before the Court of SDO, Lamphel on 09-02-2018. The petitioner, on her return from Delhi, went to the Court of SDO, Lamphel on 09-02-2018 along with Smt. Sonia Devi and placed before it the factual position. Thereafter, the petitioner submitted a representation dated 28-02-2018 to the Commissioner (Works)-cum-Estate Officer, Government of Manipur highlighting the factual position and requested him not to disturb her from the occupation of the quarter. Suddenly, the petitioner was served with a letter dated 06-04-2018 by the Assistant Engineer (PWD), Government of Manipur informing that the Quarter No. T-II/CP-23 had been allotted to Smt. Y. Suni Devi, a Family Health Worker and accordingly, the petitioner was directed to vacate the quarter within 5 days failing which, necessary action would be taken against her. Being aggrieved by it, the petitioner filed a writ petition being WP(C) No. 286 of 2018 which was disposed of on 30-08-2018 whereby the respondent was directed to serve a copy of the order dated 20-03-2018 cancelling the allotment order dated 24-10-2016 with the further direction that the petitioner should submit a detail representation to the respondent No.1 for consideration on merit without being influenced by the order dated 20-03-2018, giving an opportunity of being heard, by issuing a speaking order. By the said order dated 30-08-2018, the petitioner was allowed to continue to occupy the quarter till the disposal of the representation.

[3.3] The petitioner submitted a representation dated 22-09-2018 to the Commissioner (Works)-cum-Estate Officer, Government of Manipur which was disposed of by him by issuing a speaking order dated 06-11-2018 rejecting it. Another representation dated 12-11-2018 submitted by the petitioner was also rejected and consequently, the petitioner was directed to vacate the quarter within 10 days vide order dated 28-11-2018 which was challenged by the petitioner in the instant writ petition being WP(C) No. 82 of 2019.

[4.1] An affidavit was filed by the respondent No.4 stating that the said quarter was allotted to her by the State Government with a direction to occupy the same for which she had deposited Rs.400/-/. When she went to occupy the said quarter, it was found that some unknown occupant was occupying the quarter and on her enquiry, she was informed that the unknown occupant was occupying the quarter on payment of monthly rent and it was further stated by her that the petitioner's husband was staying at Palace Compound at his own residence and that the father-in-law of the petitioner was the owner of the MASS Hotel, situated at Old Assembly Road and therefore, it was not necessary for the petitioner to stay in the quarter. From the enquiry report submitted by the Assistant Engineer (PWD) dated 17-04-2018, it revealed that the petitioner had left the quarter since long time and was residing at Palace Compound.

[4.2] The stand of the State Government, the respondent No.1 is that the

affidavit filed by the Executive Engineer, respondent No.3 can be adopted at the time of hearing. In the affidavit filed by the respondent No.3, it has been stated that he submitted a report vide letter dated 16-02-2019 addressed to the Superintending Engineer (PWD), Government of Manipur to the effect that a verification was done in connection with the Court's order dated 05-02-2019 and found that the said quarter was being occupied by the petitioner and her nearest member till date. It has further been stated that the petitioner appeared before him and narrated that her husband had to go outside the State of Manipur for frequent treatment and in their absence, her nearest family members were occupying it. When the Assistant Engineer (PWD) inspected the quarter, it was found to be occupied by the petitioner.

[5] According to the petitioner, on receipt of the notice in the writ petition being WP(C) No.82 of 2019, the Executive Engineer in collusion with Smt. Y. Suni Devi filed the Eviction Case No. 23 of 2019 for which the Eviction Notice was served upon the petitioner on 02-02-2019. On perusal of the Eviction Notice, it revealed that the SDC conducted a spot enquiry and submitted a report dated 24-01-2019 stating that the Government quarter was still being occupied by Smt. Sonia Devi. Since the Eviction Notice dated 01-02-2019 had been issued, there was an apprehension in the mind of the petitioner that she might be evicted from the quarter under the guise of eviction of Smt. Sonia Devi. Being aggrieved by it, the petitioner filed the instant writ petition being WP(C) No.88 of 2019 praying for a writ of mandamus or any other appropriate writ to direct the respondents not to disturb/ evict the petitioner from her peaceful possession of the quarter.

[6] An affidavit has been filed by the respondent No. 5 taking the stand similar to the one which had been taken by her in writ petition being WP(C) No.82 of 2019 and therefore, the same are not repeated here for the sake of brevity

[7] When the matter is taken up today for consideration, it has been submitted by the learned counsel appearing for the petitioner that the instant writ petitions can be disposed of in terms of the averments made in the affidavit filed on behalf of the State respondents to which the learned counsel appearing for the State respondents has no objection. On top of that, it has been stated by Shri Niranjan Sanasam, learned Government Advocate on the basis of the letter dated 16-09-2019 addressed to the Executive Engineer (PWD), Government of Manipur by the Under Secretary (Works), Government of Manipur stating that a new quarter had been allotted to Smt. Y. Suni Devi, Staff Nurse, CHC, Kakching. It is true that in the affidavit filed on behalf of the State respondents, it has been stated that the petitioner is still occupying the quarter and moreover, since a new quarter has already been allotted to the private respondent, Smt. Y. Suni Devi, the instant writ petitions stand disposed of with the direction that the petitioner shall be allowed to continue to occupy the said quarter allotted to her without any disturbance from any quarter except in accordance with law. Consequently, the order dated 28-11-2018 impugned in WP(C) No.82 of 2019 and the Eviction Notice dated 01-02-2019 impugned in WP(C) No.88 of 2019 shall not be given

effect to at all.