
(2025) 02 MAN CK 0910

In the Manipur High Court

Case No : Writ Petition (C) No. 127 Of 2025, Miscellaneous Case (Writ Petition (C)) No. 123 Of 2025

Khuprengthang Kom & 20 Ors.

APPELLANT

Vs

State Of Manipur & 2 Ors.

RESPONDENT

Date of Decision : 16-02-2025

Acts Referred:

Specific Relief Act, 1963 — Section 20A(1), 41(ha)
Constitution Of India, 1950 — Article 226

Citation : (2025) 02 MAN CK 0910

Hon'ble Judges : A. Guneshwar Sharma, J

Bench : Single Bench

Advocate : Th. Babita, Lenin Hijam, H. Debendra, L. Somorendro Roy, I. Sharmila

Judgement

A. Guneshwar Sharma, J

These matters are taken up as Special Bench on the direction of the Hon'ble Supreme Court due to the urgency involved in the matter.

Heard Mrs. Th. Babita, learned counsel for the petitioners; Mr. Lenin Hijam, learned Advocate General along with Mr. H. Debendra, learned Dy. Advocate General assisted by Mr. L. Somorendro Roy, learned counsel and Ms. I. Sharmila, learned counsel for the State respondents.

The petitioners approach this Court inter alia praying for setting aside of the impugned eviction order dated 10-02-2025 issued by the learned SDO, Porompat, Imphal East directing the 21 occupants for removing all the structures latest by 5.00 p.m. of 16-02-2025, failing which necessary eviction will be taken out.

The challenge is mainly on the ground that no opportunity was given to the petitioners and they have been occupying the land since 40 years. The petitioners are also praying for interim stay of the impugned order as most of

their children are in appearing Class-X, Class-XI and Class-XII examination conducted by the Central Board of Secondary Education Delhi, Board of Secondary Education Manipur and Council of Higher Secondary Education Manipur.

Learned counsel for the petitioners also relies on the decision of the order 16-12-2020 passed by this Court in WP(C) No. 673 of 2020 where similar eviction notice has been stayed by this Court.

At this stage, Mr. Lenin Hijam, learned Advocate General, draws the attention of this Court to the provisions of Section 20A(1) and Section 41(HA) of the Specific Relief Act, 1963 read with Schedule as well as the decision of the Hon'ble Supreme Court in the case reported as (2022) 6 SCC 172 where it was held that the High Court exercising power under Article 226 of the Constitution of India should not have stayed the matter regarding infrastructure project in a routine manner.

Learned Advocate General also submits that the connected matter, i.e. WP(C) No. 673 of 2020 is listed tomorrow, i.e. on 17-02-2025 before this Court for consideration of the modification of the interim order granted by this Court with respect to the possibility of development of the proposed road from Sanjenthong to Minuthong on the Eastern Bank of Imphal River.

Learned Advocate General also undertakes that till the next date of hearing, the petitioners will not be evicted from the premises.

Recording the undertaking made by the learned Advocate General, list these cases tomorrow, i.e. 17-02-2025 along with WP(C) No. 673 of 2020 for further consideration.

Furnish a copy of this order to the learned counsel appearing for the parties in the course of the day.