
(2023) 01 MAN CK 0024
In the Manipur High Court
Case No : Writ Petition (C) No. 6 Of 2023

Kiran Aheibam And Another

APPELLANT

Vs

State Of Manipur & 2 Ors

RESPONDENT

Date of Decision : 10-01-2023

Acts Referred:

Citation : (2023) 01 MAN CK 0024

Hon'ble Judges : MV Muralidaran, J

Bench : Single Bench

Advocate : Ajoy Pebam, S. Niranjana

Judgement

MV Muralidaran, J

[1] Heard Mr. Ajoy Pebam, learned counsel for the petitioners and perused the record.

[2] The matter has been taken up for urgency as Motion item with the permission of Hon'ble the Chief Justice.

[3] The petitioners have made out the case that without giving proper compensation to the petitioner No.1 and petitioner No.2, their lands were taken away by the respondents. Therefore, the petitioners have filed the present writ petition seeking the prayer as follows :

“(i) issue rule nisi calling upon the Respondents to show cause as to why a Writ of Certiorari should not be issued for quashing/setting aside the impugned Letter being No. DC(IW)/6/7/1-K/LA/2019(Pt.-III) dated 23rd December, 2022 issued by the Respondent No. 2 in connection with the Eviction of the Petitioner No. 1.

(ii) issue rule nisi calling upon the Respondents to show cause as to why a Writ of Mandamus should not be issued for directing the Respondents to include the name of the Petitioner No. 2 in the list of the affected Pattadars for expansion/ widening of the National Highway No. 2.

(iii) issue rule nisi calling upon the Respondents to show cause as to why a Writ of Mandamus should not be issued for directing the Respondents to make an enquiry/re-survey the homestead land for verification of the affected standing properties of the Petitioners in connection with the Eviction of the Petitioners.

(iv) pass any order or directions which the Hon'ble Court deems fit and proper in the facts and circumstances of the case;

(v) cost of litigation

-AND-

IN INTERIM:

In the interim, your Lordships be pleased to stay/suspend the eviction process initiated by the Respondents in respect of the Petitioners' homestead lands or Status quo of the homestead lands of the Petitioners shall be maintained till the disposal of the present petition or to pass any other appropriate interim order pending disposal of the writ petition for the ends of justice."

[4] Mr. Ajoy Pebam, the learned counsel for the petitioners has prayed for granting interim stay since the respondents are trying to demolish lands.

[5] Mr. S. Niranjana, learned GA for the State respondents represented that since the matter has been taken up only today by way of urgency in the Motion list, he may be permitted to take instruction and report this Court along with the original documents from the respondents. Therefore, he seeks time.

[6] Therefore, post the matter day after tomorrow i.e. 12.01.2023 in the Motion list.

[7] Till such time, status quo of the homestead lands of the Petitioners shall be maintained.

[8] Registry is directed to issue copy of this order to both the parties today itself.