

(2005) 02 GAU CK 0066
In the Gauhati High Court

Laikhuram Bobo Singh

APPELLANT

Vs

State of Manipur and Ors.

RESPONDENT

Date of Decision : 04-02-2005

Acts Referred:

Citation : (2005) 02 GAU CK 0066

Hon'ble Judges : T.Nanda Kumar Singh, J

Bench : Single Bench

Advocate : S.Santosh Singh, R.S.Reisang, Advocates appearing for Parties

Judgement

1. Head Mr. Santosh Singh, learned counsel for the petitioner and Mr. R.S. Reisang, learned Addl. G.A. for the respondents.

2. Learned counsel for the petitioner submits that the petitioner is the pattadar of the pattaland/shop site under patta No. 598(new) covered by C.S. Dag No. 557 measuring an area of .01 acre situated in village No. 34, Uchekon, Imphal East District, Manipur. The petitioner has been in possession of the said patta land as owner by constructing 2(two) storied pucca structures thereat for the last many years. True copy of the patta is at (AnnexureA/1 to the writ petition). Some days back, some officials of the Revenue Department/Settlement office, Govt. of Manipur came to the said patta land of the petitioner and put marks on the eastern portion of the petitioner's patta land stating that the said portion of the patta land will be required for widening of road from Sanjenthong Bridge to Kongba Bazar. The learned counsel for the petitioner also submits that the petitioner has been informed by the Revenue Staff as well as Police Personnel that he would be evicted from his patta land for expansion of road from Sanjenthong Bridge to Kongba Bazar.

3. This court is flooded with the writ petitions which are similar with the present writ petition. In a welfare State like ours the executive authorities of the State Government have to act within the four corners of law. When the legislature confers powers in the State Government to be exercised in certain circumstances

or eventualities, it would be right to presume that the legislature intends that the said power be exercised in the manner envisaged by the statute. If the statute confers drastic power, such power must be exercised in a proper and fair manner. Learned counsel for the petitioner clearly submits that the State Government, having the officers fully conversant with the procedure for evicting pattadar from the patta land, should follow the rule of law and procedure required for evicting the land owner from the patta land while taking up any step for eviction. It is good if the State Government takes up step for evicting pattadar from the patta land for public purposes. But the State Government is cautioned that they should follow the procedure prescribed/due process of law while evicting the owners/pattadars from the patta land for public purposes.

4. In such situation, I direct the State respondents not to evict the petitioner from his patta land without following due process of law. It is made clear that the respondents should demarcate the area which are required to be evicted by giving notice to the petitioner by the Revenue officials, and thereafter eviction process shall be taken up according to due process of law.

5. With the above observation and direction, this writ petition is disposed of.