

(2025) 07 MAN CK 0530

In the Manipur High Court

Case No : Writ Petition (C) No. 94 Of 2018

Meryta Mahong & Ors

APPELLANT

Vs

State Of Manipur & Ors.

RESPONDENT

Date of Decision : 11-07-2025

Acts Referred:

Citation : (2025) 07 MAN CK 0530

Hon'ble Judges : A. Guneshwar Sharma, J

Bench : Single Bench

Advocate : N. Jotendro, Md. Syed Murtaza Ahmed, Th. Sukumar

Final Decision : Dismissed

Judgement

A. Guneshwar Sharma, J

(CAV)

[1] Heard Mr. N. Jotendro, learned sr. counsel assisted by Md. Syed Murtaza Ahmed, learned counsel for the petitioners and Mr. Th. Sukumar, learned GA for the State respondents.

[2] By the present petition, the petitioners are praying for quashing and setting aside the impugned order dated 01.12.2017 passed by the Chief Engineer, Water Resources Department, Manipur rejecting the representations dated 01.10.2015 & 06.10.2015 submitted by the petitioners to the Additional Chief Secretary, (Irrigation & Flood Control), Govt. of Manipur and the Deputy Commissioner, Ukhrul, Manipur requesting for granting rehabilitation and resettlement package for Chadong village.

[3] It is the case of the petitioners that after their divorce, they have been staying in the Chadong village in the year 1955 and 2003 respectively in respect of petitioner nos. 1 & 2.

[4] It is stated that their names have been left out from the list of beneficiaries

prepared by the respondents and as such, they did not get any compensation for their lands and houses submerged by the Mapithel Dam Multipurpose Project.

[5] It is submitted that since they were not given any notice and their name were not included in the list of beneficiaries prepared by the respondents and thus, they were left out from the list of affected 455 beneficiaries and they did not get any compensation for the submerged of their houses and lands.

[6] In this respect, the petitioners submitted separate representations dated 01.10.2015 and 06.10.2015 to the Additional Chief Secretary, (Irrigation & Flood Control), Govt. of Manipur and the Deputy Commissioner, Ukhrul, Manipur to re-verify their case and with a request for payment of compensation.

[7] The petitioners also earlier approached this Court by way of writ petition being, W.P. (C) No. 11 of 2016 and vide order dated 20.01.2016, the same was disposed of by directing the respondents to consider the representations dated 01.10.2015 & 06.10.2025 submitted by the petitioners to examine whether they would be entitled to any compensation and the same to be decided within a period of 2(two) months.

[8] In compliance of the directions of this Court in order dated 20.01.2016, the Chief Engineer, Water Resources Department, Manipur issued the impugned order dated 01.12.2017 rejecting the representations submitted by the petitioners. While passing the impugned order, the Chief Engineer considered the report dated 08.09.2016 submitted by the D.C., Ukhrul to the effect that the list of 455 beneficiaries was prepared in the year 2012 after proper verification conducted by the joint team comprising Village Authorities headed by the Headman/ Chairman, SDO Phungyar, the representatives of D.C. and IFCD at the Village and the said joint verification was conducted after wide publication in the local newspapers.

[9] It is stated that the names of the petitioners were not found in the list of 455 beneficiaries and their claim arose for the first time in the last part of 2015. The relevant portions of the report dated 08.09.2016 of the DC, Ukhrul is reproduced below:-

"Whereas, the Deputy Commissioner Ukhrul District submitted its report to the Commissioner IFC vide Office Letter No. 10/99/2016-Rev (Ukl) dated 8.9.2016 with the following information/ findings:-

"List of beneficiaries numbering 455 (four hundred fifty five) which were reportedly genuine affected families for granting Rehabilitation & Resettlement package was submitted to the government in the year 2012 after proper verification conducted by a Joint team comprising Village Authorities headed by the Headman/ Chairman, SDO Phungyar, representative of D.C. and IFCD at the Village. The said joint verification was conducted after due Notification were given to the villagers and wide publication in the leading local News papers. Besides, further opportunities were also given for those left out families during

the joint verification for filing claims and objections. The genuine list of families to be entitled were forwarded to the government after completion of all the necessary formalities and approval given by the Cabinet, payment of Rehabilitation & Resettlement package have been completed.

The two Petitioners have made their claims in the last part of 2015 whose names were found not appearing in the said list of 455. In the absence of their names in the final list of beneficiaries for Rehabilitation & Resettlement package, the request for grant of Rehabilitation & Resettlement package appears to be not acceptable on the part of the Government Respondents.

It is, therefore, requested to kindly dispose the representations dated 01.10.2015 and 06.10.2015 of the Petitioners, so as to comply the order of the Hon'ble High Court at your ends."

[10] Being aggrieved by the impugned order, the petitioners approached this Court that their names were wrongly left out from the list of 455 beneficiaries as no notice was issued to them. Since they are resident of the affected village, they are also entitled to the benefits given to the other affected families. It is requested that their representations dated 01.10.2015 & 06.10.2015 be re-considered.

[11] The State respondents filed counter affidavit stating that a joint verification was conducted by a team comprising of village authority headed by the Headman/ Chairman, SDO Phungyar, representative of D.C. and IFCD. In para 4, it is stated that the verification was conducted after due Notification were given to the villagers and wide publication in the local newspapers. Further opportunities were also given for those left out families during joint verification process for filing claims and objections. However, the names of the petitioners are not found in the genuine list of the families who are entitled for the compensation. And, as such, they are not entitled to any relief.

[12] It is also stated that in para no. 7 of the counter affidavit, the petitioners are not resident of the Chadong village, and therefore they are not entitled to receive a sum of Rs. 14,70,000/- (Rupees fourteen lakhs seventy thousand) as claimed.

[13] It is prayed that the writ petition may be dismissed being devoid of any merit and the prayer being belated.

[14] The petitioners also filed rejoinder affidavit to the counter affidavit filed by respondent and stated that the petitioners could not appear for the joint verification as they were threatened by some unknown persons and it is reiterated that since they are residents of the affected village, they are entitled to the petitioners. The petitioners also filed additional affidavit bringing on records, certain documents such as, Domicile Certificate, Permanent Residential Certificate.

[15] During the course of hearing, the learned sr. counsel for the petitioners has

clarified that the petitioners could not appear before the joint verification as they were threatened by some unknown persons and in fact, they are inhabitants of the affected village and are entitled to the benefits given to the 455 affected families.

[16] It is also submitted that the petitioners being divorcees, the State respondent ought to have sympathetic view to the representations submitted by the petitioners. It is prayed that the respondents may be directed to re-consider their representations afresh.

[17] On the other hand, the learned GA for the State respondents submits that the list of 455 beneficiaries were prepared by a joint team of the Village Headman/ Chairman, SDO Phungyar, the representatives of DC and IFCD and the same was conducted after wide publication and left over families were also permitted to make their representations during the joint verification. It is pointed out that the petitioners have miserably failed to produce any complaint or document to show alleged threatening by some unknown persons for participating in the joint verification.

[18] It is also stated that any other persons were not threatened by miscreants and such plea of threatened by unknown persons is an after-thought and without any basis. The plea of not issuing any notices cannot be sustained as the petitioners were aware of the date of joint verification but their inability to appear before the team was due to alleged threat by some unknown persons. It is pointed out that claim of the petitioners are belated and without any basis and the writ petition may be rejected.

[19] This Court has considered the materials on records and submissions made at the bar. The plea of the petitioners is that there are also inhabitants of the affected village of Mapithel Dam Multipurpose Project area and their houses and lands have been submerged and hence, they are also entitled to get the benefits given to the 455 affected families prepared by the respondents. Since their names were not in the list of affected villagers prepared by the respondents, they were not given any benefits as compensation for their submerged houses and lands. The reasons given for inability to appear before the joint verification team was due to the alleged threat by some unknown persons.

[20] This Court has perused the report dated 08.09.2016 submitted by the DC, Ukhrul which has been extensively reproduced in the impugned order dated 01.12.2017. It appears from the report of the DC, Ukhrul that a joint verification was conducted in the year 2012 by a joint team of comprising Village authorities headed by the Headman/ Chairman, SDO Phungyar, the representative of D.C. and IFCD and 455 beneficiaries were identified as affected by the Mapithel Dam Multipurpose Project.

[21] It is also stated that the report was prepared after joint verification was conducted. For this purpose, wide publication in the local newspapers was issued and after proper verification the compensation was given to the 455 affected

families.

[22] It is the case of the petitioners that the petitioner no. 1 has been staying in the affected village since 1955 and the petitioner no. 2 since 2003. If that be so, they should have appeared before the verification Committee in the year 2012. In absence of any document of threat to the petitioners, the plea of their inability to appear before the joint verification team cannot be accepted. It may be noted that other 455 families did not face any threat as alleged by the petitioners.

[23] In the circumstances, the belated plea of the petitioners cannot be considered and from the report of the Deputy Commissioner, Ukhul, it cannot be established that they are also affected families.

[24] Accordingly, this Court does not find any merit in the writ petition and the same is dismissed. No cost.