
(2022) 06 MAN CK 0039
In the Manipur High Court
Case No : Writ Petition (C) No. 458 Of 2022

Nameirakpam Thoiba Singh & 4 Ors

APPELLANT

Vs

State Of Manipur & 2 Ors

RESPONDENT

Date of Decision : 23-06-2022

Acts Referred:

Citation : (2022) 06 MAN CK 0039

Hon'ble Judges : Ahanthem Bimol Singh, J

Bench : Single Bench

Advocate : L. Shyam, R.K. Umakanta

Final Decision : Disposed Of

Judgement

Ahanthem Bimol Singh, J

[1] Heard Mr. L. Shyam, learned counsel appearing for the petitioners and Mr. R.K. Umakanta, learned Government Advocate appearing for all the respondents.

[2] As agreed by both the counsel appearing for the parties and in view of the limited prayer made on behalf of the petitioners, the present writ petition is being disposed of at the Motion stage itself.

[3] The present writ petition had been filed assailing the orders dated 14-06-2022 issued by the Deputy Commissioner, Imphal West District directing the concerned pattadars/ encroachers in Imphal West District to remove all structures along the National Highways/ State Highways/ Inter-District Roads and other roads, etc. and along the River Banks located in Imphal West District and also to restore all agricultural lands which have been diverted for non-agricultural activities without the approval from the competent authorities to original positions latest by 03:00 P.M. of 23-06-2022. The said order had been issued purportedly in exercise of the powers conferred under the relevant provisions of the Manipur Conservation of Paddy Land and Wetland Act, 2014 and the Manipur Public Premises (Eviction of Unauthorised Occupants) Act, 1978.

[4] The case of the petitioners is that they are the owners and pattadars of the homestead lands under Patta No. 1276 (New) covered by C.S. Dag No. 314/1901 of Village No. 78 Ngairangbam and that they have been staying there for the last about 62 years. It has been submitted by the learned counsel for the petitioners that the homestead lands of the petitioners are neither agricultural lands nor is it a Public Premise as defined under the Manipur Public Premises (Eviction of Unauthorised Occupants) Act, 1978 and that the said lands had been allotted to them by the concerned authorities of the Government and their names are recorded in the relevant Jamabandis as owners and pattadars.

[5] The learned counsel, accordingly, submitted that neither the provisions of the Manipur Conservation of Paddy Land and Wetland Act, 2014 nor the provisions of the Manipur Public Premises (Eviction of Unauthorised Occupants) Act, 1978 are applicable in respect of the lands of the petitioners and accordingly, the impugned order dated 14-06-2022 issued by the Deputy Commissioner, Imphal West District is not sustainable in the eyes of law so far as the petitioners are concerned. It has also been submitted that as the said impugned order had been pasted on the wall of the houses of the present petitioners and as the officials of the Deputy Commissioner have come to their residences and verbally told them to remove the structures/ homes of the petitioners from the said lands, the petitioners approached this court by filing the present writ petition so as to protect their interest and to prevent their eviction from the lands. The learned counsel for the petitioners further submitted that they have also submitted an application dated 22-06-2022 to the Commissioner (Revenue), Government of Manipur with a request for deferring the eviction of the petitioners from their lands on the grounds as mentioned in the said application.

[6] Mr. L. Shyam, learned counsel submitted that the petitioners will be satisfied for the time being if the present writ petition is disposed of by issuing an innocuous direction to the respondents to consider the said application submitted by the petitioners and to dispose of the same by issuing a speaking order within a stipulated period and that pending consideration and disposal of the said application, the respondents may be directed to refrain from evicting the petitioners from their lands.

[7] Mr. R.K. Umakanta, learned Government Advocate vehemently submitted that the impugned order is a general order informing the concerned pattadars/ encroachers in the Imphal West District to remove any structures constructed on Government lands along the National Highways/ State Highways/Inter-District Roads and other roads as well as River Banks located in Imphal West District in contravention of the relevant Act and Rules and also for restoring all agricultural lands which have been diverted for non-agricultural activities without the approval of the competent authorities. The learned Government Advocate submitted that as the claim of the petitioners is that they are the pattadars and owners of the lands in question and that as they have not encroached on any Government lands, they have nothing to fear of their eviction from the lands

without following the due process of law. The learned Government Advocate, however, fairly submitted that the respondents will have no objection in considering the application/ representation dated 22-06-2022 submitted by the petitioners and to dispose of the present writ petition as prayed for by the petitioners.

[8] After hearing the submissions of both the counsels for the parties, this court is of the considered view that it will be expedient to direct the Commissioner (Revenue), Government of Manipur to consider the aforesaid application dated 22-06-2022 submitted by the petitioners and to dispose of the same by issuing a speaking order within a period of two weeks from the date of receipt of a copy of this order. It is also made clear that pending consideration and disposal of the said application submitted by the petitioners, the petitioners should not be evicted from their lands presently possessed by them without following the due process of law.

With the aforesaid directions, the present writ petition is disposed of.

A copy of this order be furnished to both the learned counsels appearing for the parties through their WhatsApp/e-mail.