

(2021) 10 MAN CK 0021
In the Manipur High Court
Case No : Writ Petition (C) No. 712 Of 2021

Ningam Siro & 5 Ors

APPELLANT

Vs

State Of Manipur & 3 Ors

RESPONDENT

Date of Decision : 18-10-2021

Acts Referred:

Manipur Public Premises (Eviction Of Unauthorised Occupants) Act, 1978 — Section 3(1)

Citation : (2021) 10 MAN CK 0021

Hon'ble Judges : Ahanthem Bimol Singh, J

Bench : Single Bench

Advocate : M. Devananda, N. Kumarjit

Final Decision : Disposed Of

Judgement

Ahanthem Bimol Singh, J

(Through video conferencing)

Heard Mr. M. Devananda, learned counsel appearing for the petitioners and Mr. N. Kumarjit, learned Advocate General (AG), Manipur appearing for the respondents.

The present writ petition had been filed with a prayer for quashing the order dated 25.09.2021 passed by the SDO, Porompat in Eviction Case No. 3/SDO (P) of 2020 wherein it has been directed that the petitioners should vacate the Government accommodation latest by 10.10.2021 failing which eviction will be carried out on 12.10.2021 without further notice.

At the outset, the learned AG, Manipur submitted that the present petition is not at all maintainable for the reasons that -

(i) The allotment of Government Quarters to a large number of Government servants, including some of the petitioners, have already been cancelled by the Government by an order dated 20.03.2021 and such cancellation order has not

been challenged by the present petitioners;

(ii) As the impugned order has been passed in exercise of the provisions under section 3(1) of the Manipur Public Premises (Eviction of Unauthorised Occupants) Act 1978, there is an alternative remedy for filing appeal provided under the said Act and accordingly, the present writ petition is not maintainable;

(iii) The petitioners No. 1, 2, 3 & 6 have retired from service a long time back on attaining the age of superannuation and as such, they are not entitled to get Government Quarters after their retirement from service and on this ground also the present writ petition is not maintainable;

(iv) Lastly, it has been submitted that the petitioners No. 4 & 5 are not Government employees and no Government Quarters have been allotted in their names and accordingly, they have no locus to file the present writ petition.

In view of the aforesaid grounds, it has been strenuously urged by the learned AG, Manipur that the present writ petitioners are not at all maintainable and it deserved to be dismissed outright.

Mr. M. Devananda, learned counsel appearing for the petitioners submitted that the petitioners are not aware of the issuance of the order dated 20.03.2021 cancelling the allotment of Government Quarters to various Government employees including some of the present petitioners and they have approached this Court only when they have been served with the impugned order dated 25.09.2021 passed by the SDO, Porompat.

It has also been submitted that because of the difficult situation faced by the petitioners for getting alternative accommodation due to the Pandemic of COVID-19, it has been pleaded on behalf of the petitioners to give some time to the petitioners to vacate their respective Quarters and to make alternative arrangements for their accommodation and their family members. In this regard, the learned counsel for the petitioners have prayed for granting at least one and half months time to make such arrangements.

On the other hand, the learned AG, Manipur, vehemently objected to such prayer and submitted that the present writ petition deserves to be dismissed outright.

After hearing the learned counsel appearing for the parties, this Court is of the considered view that even though the petitioners have no right to reside any longer in their respective Quarters provided earlier to them, it will be fair and equitable to grant at least one month's time to the petitioners to vacate their respective Quarters and to make alternative arrangement for their accommodation and their family members purely on humanitarian grounds.

Accordingly, the petitioners are directed to vacate their respective Government Quarters within a period of one month from today, failing which it is ordered that the Government can vacate them without any further notice.

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

A copy of this order be furnished to the learned counsel appearing for the parties through their respective Whatsapp/e-mail.