
(2005) 02 GAU CK 0054
In the Gauhati High Court

R.K.Ranjit Singh @ Ranjitsana Rajmumar

APPELLANT

Vs

State of Manipur and Ors.

RESPONDENT

Date of Decision : 04-02-2005

Acts Referred:

Citation : (2005) 02 GAU CK 0054

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

Bench : Single Bench

Advocate : R.S.Reisang, C.Kamal, Advocates appearing for Parties

Judgement

1. Head Mr. C. Kamal, 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 homestead land under patta No.42/492 I.W. covered by C.S. Dag No.61(old) corresponding to New Patta No.42/492/798/IW covered by New C.S. Dag No.85 measuring an area of 0.166 acre situate in village No.42 (Keishamthong) I.W. The petitioner constructed a pucca building at the cost of more than Rs.12 lacs on the said land at the western side of his ingkhol (homestead) just adjacent to the road leading to Kwakeithel Laishram Leikai, leaving 20" ft. from the road about 35 years ago. The petitioner has been in possession of the said homestead land as owner by constructing pucca structures thereat for the last many years. True copy of the patta is at (AnnexureA/1 to the writ petition). Recently staff of Revenue Department, Government of Manipur with Police force came to the patta land of the petitioner and put marks on the structures of the petitioner stating that some portion of the patta land will be required for expansion of public road. The officials openly declared that they will come any day with Crane and Excavator and destroy/dismantle the said marked portion of the building and other standing properties of the petitioner.

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 eviction 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 evicting process shall be taken up according to due process of law.

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