

(2006) 09 GAU CK 0075
In the Gauhati High Court

Sagolsem Ongbi Bilashini Devi and Ors.

APPELLANT

Vs

Union of India and Ors.

RESPONDENT

Date of Decision : 11-09-2006

Acts Referred:

Citation : (2006) 09 GAU CK 0075

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

Bench : Single Bench

Advocate : Serto T.Kom, Nepolean Singh, N.Umakanta Singh, K.Kumar,
Advocates appearing for Parties

Judgement

1. Heard Mr.N.Umakanta and Mr.Serto T.Kom, learned counsel for the petitioners as well as Mr.K.Kumar, learned CGSC for the Union of India and Mr.Nepolean, learned GA for the State respondents.

[2] Since the writ petitions (6 in numbers) involve common question of fact and law inasmuch as these are arisen out of the incident of 03.10.1999 at Tonsen Lamkhai, Thoubal District, are taken up jointly for disposal by a common judgment and order.

[3] Both the counsel appearing for the petitioners as well as for the respondents admit that for the said incident i.e. dated 3.10.1999 at Tonsen Lamkhai, Thoubal District in which 10 (ten) civilians were killed, kiths and kin of 3 (three) of those civilians killed had already filed Writ Petition being Nos.876 of 2001, 878 of 2001 and 892 of 2001 respectively for invoking the Public Law remedy; before this court and this court in exercise of jurisdiction in the Public Law realm had already directed the respondents to pay compensation of Rs.3 (three) lacs to the kiths and kin of each civilian killed in the said incident dated 3.10.1999 in addition to other remedies available to the petitioners in the ordinary course of law by way of damages in civil suit by passing common judgment and order dated 18.5.2006. Copy of the said common judgment and order dated 18.5.2006 passed in WP(C) Nos.876 of 2001, 878 of 2001 and 892 of 2001 has been placed

before this court for perusal. The said copy of the judgment and order dated 18.5.2006 is placed on record and marked ?X/1? for identification.

[4] Mr.K.Kumar, learned CGSC appearing for the Union of India, respondent nos.1, 2, 3 and 4 fairly admits that the present cases are squarely covered by the earlier common judgment and order of this court dated 18.5.2006 passed in WP(C) Nos.876 of 2001, 878 of 2001 and 892 of 2001.

[5] In the present writ petitions (six in numbers) as per order of this court, the learned District & Sessions Judge, Manipur West held an inquiry to find out the circumstances leading to the death of the persons, for whom the petitioners filed the present writ petitions for invoking the Public Law remedy in the present writ petitions and also the persons responsible for killing them. The learned District & Sessions Judge, Manipur West submitted common report dated 19.4.2006 with the finding that ?the combined force of the 35th Bn.CRPF and the 81st Bn.CRPF Personnel shot dead S.Brajamani Singh, Ng.Thanil Singh, N.Kiran Singh, N.Nandakumar Meitei, M.Ingochouba alias Ingocha and Mangte Shangte on 3.10.1999 at about 1.25 pm at Tonsen Lamkhai, ImphalSugnu road in cold blood and that they were not killed in exchange of firing between the CRPF personnel and the militants.? Mr.K.Kumar, learned CGSC submits that the Respondents had filed objections to the said finding of the Ld.District Judge, Manipur West in her report dated 19.4.2006.

[6] On careful perusal of the report of the learned District & Sessions Judge, Manipur West dated 19.4.2006 and the common judgment and order of this court dated 18.5.2006 passed in WP(C) Nos. 876 of 2001, 878 of 2001 and 892 of 2001, this court was of the considered view that the present six writ petitions are also squarely covered by the earlier common judgment and order dated 18.5.2006 inasmuch as the earlier writ petitions were also in respect of the same incident for which the report dated 22.2.2005 submitted by the learned District Judge, Manipur West was also in the same line with the present inquiry report dated 19.4.2006 submitted by the learned District & Sessions Judge, Manipur West.

[7] Having regard to the above circumstances, these writ petitions are disposed of by directing the respondents 1. The Union of India represented by the Secretary to the Ministry of Home Affairs, Government of India, North Block, New Delhi. 2. The Director General CRPF, CGO Complex, Lodhi Road, New Delhi. 3.The Commandant 35 Bn CRPF, located at Camp Haotabi, Thoubal District Manipur to pay compensation of Rs.3 (three) lacs for each of the said 6 (six) persons killed namely, (1) S.Brajamani Singh, (2) Ng.Thanil Singh, (3) N.Kiran Singh, (4) N.Nandakumar Meitei, (5) M.Ingochouba alias Ingocha and (6) Mangte Shangte, to the petitioners of the present six writ petitions within 8 (eight) weeks from the date of receipt of the judgment and order of this court. Further, it is made clear that the amount of compensation is in addition to the other remedies available to the petitioners of the present writ petitions in the ordinary course of law by way of damages in civil suit. The respondents are directed to pay a sum of Rs.1000/

(Rupees one thousand) only as fees for each of the learned counsel appearing for the petitioners, i.e. N.Umakanta, and Mr.Serto T.Kom, within 8(eight) weeks from today. Further, it is made clear that the said amount of compensation should be deposited to the Registry of this Bench, i.e. Imphal Bench within the stipulated period, i.e. eight weeks from the date of receipt of the judgment and order. The Registry, after receiving the said amount of compensation from the respondents, shall deposit the same in a Scheduled Bank in the names of the petitioners of the present 6 (six) writ petitions.