
(2006) 07 GAU CK 0042
In the Gauhati High Court

Wangjing Tenthra Farmers Development Association
(Registered No.4803 of 1983)

APPELLANT

Vs

State of Manipur Represented by the Commissioner and Anr.

RESPONDENT

Date of Decision : 26-07-2006

Acts Referred:

Citation : (2006) 07 GAU CK 0042

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

Bench : Single Bench

Advocate : R.S.Reisang, Kh.Chonjohn Singh, Advocates appearing for Parties

Judgement

1. Heard Mr.Kh.Chonjon, learned counsel for the petitioner, Mr.R.S.Reisang, learned GA for respondent no.1 as well as Mr.K.Kumar, learned CGSC for respondent Nos. 2 and 3.

[2] At the outset, learned counsel for the petitioner submits that the present writ petition is squarely covered by the earlier judgment and order of this court dated 28.4.2005 passed in WP(C) No. 712 of 2004 filed by ?The Rural Sports Association, Nambol, a society registered under the Societies Registration Act, 1860? challenging the impugned order dated 10.8.2001 issued by the Advisor to the Governor of Manipur which is again challenged in the present writ petition.

[3] The short fact which will suffice for deciding the present case is that by the order of the Governor of Manipur being No. 7/6/97YAS/S(Pt) dated 14.6.2001 accord administrative approval and expenditure sanction to an amount not exceeding Rs. 40,00 lakhs (Rupees forty lakhs) only being 25% of the grantinaid released by the Central Government for construction of Indoor Halls at Khongjom and Nambol respectively under the Scheme of Creation of Sports Infrastructure. For easy reference the order dated 14.6.2001 is quoted hereunder:

?GOVERNMENT OF MANIPUR SECRETARIAT:YAS DEPARTMENT

ORDERS BY THE GOVERNOR:MANIPUR

Imphal, the 14th June, 2001

No.7/6/97 Youth Affairs & Sports/S (Pt): The Governor of Manipur is pleased to accord administrative approval and expenditure sanction to an amount not exceeding Rs. 40.00 lakhs (Rupees forty lakhs) only being 25% of the grant in aid released by the Central Government for construction of Indoor Halls at Khongjom and Nambol respectively under the Scheme of Creation of Sports Infrastructures as detailed below:

(1) Construction of Khongjom Memorial Indoor Stadium, Khongjom, Thoubal District by Wangjing Tenthia Farmer's Development Association. War Amount

Rs.15,00 lakhs

(2) Construction of Indoor Stadium at Khoriphaba Nambol, Bishnupur District by Rural Sports Association.

Total Rs. 40.00 lakhs

(Rupees forty lakhs) only.

Rs.25,00 lakhs

The Grant sanctioned above is subject to the following conditions:

(i) The Construction work will be done under the supervision and monitoring of a Committee consisting of D/Youth Affairs & Sports, D/NERD, SIA and EE/PWD, KLSC.

(ii) The Construction work shall be done as per specification and estimates approved by the Government of India.

3. Subsequent release of grant will be subject to satisfactory report of the above Committee.

4. The amount will be drawn by the Secretary of Wangjing Tenthia Farmer's Development Association and Rural Sports Association in the prescribed grant in aid bill and countersigned by the Director (Youth Affairs & Sports), Manipur.

5. The Expenditure is debitable to Grant No. 25YAS, Major Head 2204 Sports & Youth Services (CPS), Sub Major 00, Minor 104 Sports & Games, Sub Head 412257 Sports infrastructure, Detailed 00, subject 50 Other Charges for the year, 2001-2002.

6. This issues with the concurrence of Finance Department, Govt of Manipur vide their U.O No. 1/2001-2002/FD (25p/15)(CPS) dated 3.5.2001.

By orders & in the name of the Governor

Sd/Ch. Birendra Singh,

Commissioner (Youth Affairs & Sports), Govt of Manipur.

[4] It is alleged that because of some allegations against the present writ petitioner and writ petitioner of the earlier writ petition i.e. the Rural Sports Association Nambol, a society registered under the Societies Registration Act, 1860 of Writ Petition (c) No. 712 of 2004 some vigilance cases had been registered. After completion of the investigation the vigilance authority had submitted final report (FR) to the effect that the charge against the petitioner is baseless. And the said FR also had been accepted by the learned Chief Judicial Magistrate, Thoubal by passing judgment and order dated 20.6.2006, copy of which is available at AnnexureA/5 and as such, it appears that there is no case pending against the present writ petitioner and also the earlier allegation against the writ petitioner are baseless.

[5] As stated above, the writ petitioner of WP(C) No. 712 of 2004 had already approached this court by challenging the same impugned order dated 10.8.2001 under which the said order of the Government of Manipur dated 14.6.2001 granting administrative approval and expenditure sanction to an amount not exceeding Rs. 40.00 lakhs in favour of the present petitioner and earlier writ petitioner of WP(C) No. 712 of 2004 for keeping in abeyance. As stated above, earlier writ petition i.e. WP(C) No. 712 of 2004 had already been disposed of by passing final judgment and order dated 28.4.2005, operative portion of which reads as follows:

?2. The grievance made in this application is in respect of AnnexureA/11 order dated 10.8.2001 by which granting administrative approval and expenditure sanction to an amount of Rs. 40 lakhs being 25 percent of the grantinaid released by the Central Government for construction of Indoor sports stadium at Khongjom and Nambol was kept in abeyance with immediate effect pending an inquiry into the matter. According to the petitioner, they are entitled to the said grantinaid. By filing an additional affidavit, the petitioner has placed on record the order dated 25.01.2005 passed by the Judicial Magistrate 1st Class, Imphal East by which the final report submitted has been accepted. The accused person has been discharged from the liability of the case. Order dated 25.01.2005 has been passed in Cril.Misc.Case No. 6/2005.

3. In view of the above position, it is the case of the petitioner that the grounds on which the impugned order dated 10.8.2001 was issued no longer exists and the grantinaid is required to be released in favour of the petitioner"s society.

4. Considering the above, I dispose of the writ petition providing the respondents shall carry out all necessary formalities towards releasing the grantinaid in favour of the petitioner, if they are entitled to the same. Needless to say, all necessary formalities shall be carried out strictly in accordance with the rules. It is expected that the entire exercise shall be carried out as expeditiously as possible.

5. With the above direction, this writ petition stands disposed of.?

[6] Considering the case of the petitioner and also the order of the Chief Judicial Magistrate, Thoubal dated 20.6.2006 passed in Cril Misc (FR) Case No. 4 of 2006,

this court has no hesitation in disposing of the present writ petition in the manner this court had disposed of the earlier Writ Petition (C) No. 712 of 2004 by passing the said final judgment and order dated 28.4.2005.

[7] In the result, this writ petition is disposed of by directing the respondents to carry out all the necessary formalities towards releasing the grantinaid in favour of the petitioner if they are entitled to the same by completing all the necessary formalities strictly in accordance with the Rules.

[8] It is made clear that the whole exercise should be completed within a period of 4 (four) months from the date of receipt of the judgment and order of this court.

To the extent mentioned above, writ petition is allowed. Parties are to bear their own costs.