IN THE HIGH COURT OF MANIPUR

<u>AT IMPHAL</u>

WP(C) No. 553 of 2009

- 1. **Shri Seikhothang Haokip**, aged about 60 years, S/o Runtum Haokip, resident of Mongbung Village, B.P.O. Khashimpur, P.O. & P.S. Jiribam and District Imphal East, Manipur.
- 2. Shri Lunkhawmang Lhangum, aged about 60 years, S/o Khailun Kuki, resident of Moljal Village, B.P.O. Laltingkhal Village, P.O. & P.S. Jiribam and District Imphal East, Manipur

...Petitioners

-Versus -

- 1. The State of Manipur through the Commissioner/Secretary (Revenue), Government of Manipur, Imphal, Manipur.
- 2. The Commissioner/Secretary (Home), Government of Manipur, Imphal, Manipur.
- 3. The Director General of Police, Government of Manipur, Imphal, Manipur.
- 4. The Deputy Commissioner, Imphal East District, Government of Manipur, Imphal, Manipur.

.... Respondents

B E F O R E HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

For the Petitioner :: Mr. Anjan Prasad Sahu, Advocate

For the respondents :: Mr. Shyam Sharma, Govt. Advocate

Date of Hearing :: 07-07-2022

Date of Order :: 10-08-2022

ORDER

[1] Heard Mr. Anjan Prasad Sahu, learned counsel appearing for the petitioners and Mr. Shyam Sharma, learned Government Advocate appearing for the respondents.

- [2] The petitioner No. 1 is claiming to be the Chief of Mongbung Village and the petitioner No. 2 is claiming to be the Chief of the Moljal/Muljol Village. According to them, their villages are situated in the hill areas of Manipur and they have been paying Hill House Tax to the Office of the Sub-Deputy Collector, Jiribam. They have filed the present writ petition challenging the order dated 29-05-2008 issued by the Principal Secretary (Revenue), Government of Manipur, allotting 44.5170 Hectares of land in favour of the Manipur Police Department for construction of Rehabilitation Centre at Jiribam and praying for quashing the same.
- [3] Mr. Anjan Prasad Sahu, learned counsel appearing for the petitioners raised only one ground in assailing the said allotment order. It has been submitted by the learned counsel for the petitioners that the land allotted under the impugned allotment order falls within the two villages of the petitioners which are situated in the hill areas of Manipur. It has also been submitted by the learned counsel that the provisions of the MLR & LR Act, 1960 are not extended in the hill areas of Manipur as provided under Section 1(2) of the said Act and as such, the impugned allotment order issued by the Government in exercise of the power conferred under Section 14(2)(a) of the MLR & LR Act is illegal and void ab initio. The learned counsel vehemently submitted that on this ground alone, the impugned allotment order is liable to be quash and set aside.
- [4] The provisions of Section 1(2) of the MLR & LR Act, 1960 are reproduced hereunder for easy reference:-

- "1. Short title, extent and commencement. (1) This Act may be called the Manipur Land Revenue and Land Reforms Act, 1960.
- (2) It extends to the whole of the State of Manipur except the hill areas thereof:

Provided that the State Government may, by notification in the official Gazette, extend the whole or any part of any section of this Act to any of the hill areas of Manipur also as may be specified in such notification."

It is to be noted that even though Sub-Section (2) of Section 1 of the MLR & LR Act, 1960 provides that the provisions of the said Act are not extended in the hill areas, the proviso thereto provides that the State Government may, by notification in the Official Gazette, extend the whole or any part of any section of the said Act to any of the hill areas of Manipur.

In this regard, the learned Government Advocate placed before this court an order dated 22-02-1962 passed by the Chief Commissioner, Manipur, which was notified in the Manipur Gazette (Extraordinary, dated 26-02-1962) extending the provisions of Chapter-I to VIII, XII, XIII and Sections 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 125, 126, 132 and 133 of Chapter-X of the MLR & LR Act, 1960 in the whole of the areas comprised in the villages mentioned in the said order and situated in the Jiribam Sub-Division and also such areas which lie contiguous to and in between two and more of the said villages w.e.f. 01-03-1962. In the said order, the name of two villages of the petitioners

[4]

i.e., Muljol and Mongbung appears at Sl. No. 82 and 83 respectively. In

view of the above, there is no doubt that the provisions of Section 14 of the

MLR & LR Act, which is under Chapter-III of the said Act, are extended to

the said two villages of the petitioners. Accordingly, this court is of the

considered view that the ground raised by the counsel for the petitioners

in assailing the impugned allotment order is without any merit and

substance and this court is of the considered view that the State

Government has the power and authority to issue the impugned allotment

order and no illegality has been committed in issuing the said allotment

order. In the result, the writ petition fails and the same is dismissed as

being devoid of merit. Earlier interim order passed in the present writ

petition stands vacated.

Parties are to bear their own costs.

JUDGE

FR/NFR

Devananda