

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

**W.P.(C) No.1120 of 2018
(Through Video Conference)**

Shri R.K. Dinesh @ Dinesana Singh, aged about 62 years,
S/o Late R.K. Tonusana Singh, resident of Ningthoukhong
Radha Mandop Leikai, Ward No.8, P.O. P.S. & District
Bishnupur, Manipur.

.... *Petitioner/s*

- Versus -

1. State of Manipur through the Chief Secretary, Govt. of Manipur, Old Secretariat Building, Imphal West, Manipur, Pin – 795001;
2. The Department of Revenue through the Principal Secretary/ Commissioner/ Secretary (Revenue), Govt. of Manipur, Old Secretariat Building, Imphal, Manipur, Pin – 795001;
3. The Deputy Commissioner/Collector, Land Acquisition, Bishnupur District, Govt. of Manipur, New Mini Secretariat Building, Bishnupur, Manipur, Pin – 795126.

.... *Respondent/s*

BEFORE
HON'BLE MR. JUSTICE M.V. MURALIDARAN

For the Petitioner : Mr. Kh. Tomba, Advocate
Mr. Sh. Athoi, Advocate

For the Respondents : Mr. Shyam Sharma, GA

Date of Hearing : 22.12.2021

Judgment & Order : 18.01.2022

JUDGMENT & ORDER
(CAV)

This writ petition has been filed by the petitioner seeking direction on the respondents to make payment of a sum of Rs.5,16,880/- i.e. the amount of land compensation for acquisition of piece of the homestead land belonging to him.

[2] The case of the petitioner is that he is the owner of the homestead land measuring an area of 1.92 acre in C.S. Dag No.7053 situated at No.55Saiton, Bishnupur District, Manipur. Out the said area of homestead land, a portion of the homestead land measuring an extent of 0.78 acre was acquired by the authorities for construction of Right

Side Main Canal of Khuga Project under due process of law. At the relevant point of time, the petitioner was out of station by driving heavy vehicle outside the State i.e. Assam. A sum of Rs.5,16,880/- was sanctioned by the Collector, Land Acquisition, Bishnupur being the amount of compensation for acquisition of the said portion of the homestead land of the petitioner. The said amount of money issued by cheque in the name of the petitioner was withdrawn fraudulently by forging the signatures of the petitioner and also impersonation by others. The acquisition of land, sanction of compensation and withdrawal of the amount fraudulently came to the knowledge of the petitioner when he reached the State of Manipur. Thereafter, the petitioner requested the authorities for taking up appropriate action so as to get the said amount of money by the petitioner. He has also filed complaint before the Judicial Magistrate, First Class, Bishnupur. Since no action was taken against the persons who involved in the said fraudulent withdrawal of the amount of money by forging the signatures of the petitioner as well as impersonation, the petitioner has filed the present writ petition for action against the persons involved in the fraudulent withdrawal and also for direction to the respondents to make payment of the amount of Rs.5,16,880/- being the compensation to the petitioner.

[3] The third respondent-Collector filed affidavit-in-opposition stating that a special notice dated 22.2.2007 under Section 9(3) and 4 of the Land Acquisition Act, 1984 was served to the affected pattadars, including the petitioner for acquisition of land for construction of the Right Side Main Canal from 25 km to 35 km Khuga Project through the SDO, Moirang. The third respondent announced the award amount on 30.3.2007 in the Court of the Collector, Land Acquisition and the same was informed to the pattadars through the Branch Officer (LA), Bishnupur to produce the required documents at the time of payment of compensation. When the payment of land compensation to the affected pattadars, including the petitioner was made, the petitioner and witness K. Bidyapati Singh, Head Master of Salankonjin Ching Tam Jr. School who were identified by the Up-Pradhan of Saiton G.P. Ahanthem Ibungo Singh of Salankonjin and the petitioner had collected the amount of his land compensation from the office of the Collector, Land Acquisition. The relevant documents of the land acquisition had duly been signed.

[4] It is stated that the third respondent has made the payment of land compensation to the petitioner on the basis of land records, land ownership certificate, specimen signatures furnished by the SOC, Kumbi and

as identified by the witnesses. The petitioner has been paid due compensation amount as per the signatures being identified by the Up-Pradhan of Station G.P. Ahanthem Ibungo Singh and K.Bidyapati Singh, Head Master. Hence, prayed for dismissal of the writ petition.

[5] Mr. Kh. Tomba, learned counsel for the petitioner submitted that piece of the homestead land measuring an extent of 0.78 acre in C.S. Dag No.7053 of No.55Saiton, Bishnupur District was acquired by the Department of Revenue through the third respondent for construction of Khuga Canal and a sum of Rs.5,16,880/- was sanctioned by the competent authorities of the Government of Manipur being the amount of compensation for acquiring the said piece of land of the petitioner.

[6] Learned counsel further submitted that at the relevant point of time, the petitioner was out of station by driving heavy vehicle and he had no knowledge about the issuance of special notice. In fact, since the petitioner was out of station, he did not receive the notice dated 22.7.2007. Following the notice dated 22.7.2007, the Branch Officer, Land Acquisition is said to have sent a letter dated 14.8.2007 to the petitioner requesting him to produce any identification certificate with his specimen signature duly attested from

SDO/SDC concerned along with one Government employee not below the rank of Grade-III as a witness for receiving the amount. According to the petitioner, he had no knowledge about the said letter also.

[7] Learned counsel then submitted that the petitioner came back to his residence in the year 2013 and he came to know that there was a canal in the middle part of his homestead land. On further enquiry, the petitioner came to know that a piece of the homestead land measuring 0.78 acres has been acquired by the third respondent and fixed compensation of Rs.5,16,880/-. He would submit that the petitioner had also filed W.P.(C) No.481 of 2013 before the Imphal Bench of Gauhati High Court and the said writ petition was withdrawn with liberty to approach the appropriate Forum. Accordingly, the petitioner filed petition before the JM, First Class, Bishnupur and Kumbi Police had also registered FIR No.26(12)2014 under Sections 379, 393, 403, 419, 426, 468, 471, 506 and 34 IPC and thereafter, the persons who involved in the entire episode to the withdrawal of the amount approached the Sessions Court, Bishnupur for pre-arrest bail and obtained pre-arrest bail.

[8] Learned counsel for the petitioner next submitted that the petitioner filed RTI application to the office of the Deputy Commissioner, Bishnupur praying for providing the related information under RTI Act on 4.10.2012. The Deputy Commissioner, vide letter dated 29.12.2012, provided all information to the petitioner. On receiving the said information, the petitioner came to know that one K. Bidyapati Singh, who was serving as Teacher of Ching Tam Shalankonji Shyama Jr. High School became the witness and a person who was the Up-Pradhan Saiton Gram Panchayat became the identifier to the collection of the amount, wherein the Branch Officer, Revenue has also put his signature.

[9] Learned counsel! for the petitioner next submitted that the amount of Rs.5,16,880/- was handed over: to some other person instead of the petitioner by impersonation. Since the petitioner has been pursuing for the said amount of compensation since the year 2012, the respondent authorities are required to be directed to make payment of the amount of compensation for the said piece of the homestead land to the petitioner.

[10] Per contra, Mr. Shyam Sharma, learned Government Advocate contended that when the payment of land compensation to the affected

pattadars, including the petitioner was made, the petitioner and witness K. Bidyapati Singh, Head Master of Salankonjin Ching Tam Junior School, who were identified by the Up-Pradhan of Saiton G.P. Ahanthem Ibungo Singh of Salankonjin were present and the petitioner had collected the amount of his land compensation from the office of the third respondent. He would submit that the third respondent has made the payment of land compensation to the pattadars, including the petitioner on the basis of the land records, land ownership certificate, specimen signature furnished by the SDC, Kumbi and as identified by the Up-Pradhan of Saiton G.P. Ahanthem Ibungo Singh and K. Bidyapati Singh. Since the petitioner has been paid due compensation amount as per the signature being identified by the Up-Pradhan of Saiton G.P. and the Head Master of Salankonjin Ching Tam Junior School namely K. Bidyapati Singh, the allegation of fraud and impersonation canvassed by the petitioner have no legs and prayed for dismissal of the writ petition.

[11] This Court considered the rival submissions made by learned counsel for the parties and also perused the materials available on record.

[12] On 27.4.2006, the Commissioner (Rev), Government of Manipur issued a notification under Section 4 of the Land Acquisition Act, 1984 for acquisition of land for construction of Right Side Main Canal from 25 km to 35 km of Khuga Project in Village No.55-Saiton, 60-Sangang, 64-Kumbi and 92-Chairel, Bishnupur District. On a perusal of the said notification and its annexure, this Court finds that at Sl. No.69, the petitioner's name found place and his land of 0.78 acres out of 1.93 acres in C.S. Dag No.7053 was also under acquisition proceedings. In this regard, on 22.2.2007, a special notice was also issued in the name of the petitioner by the third respondent – Collector for appearance on 22.3.2007 to show interest in the said land. On 14.8.2007, the Branch Officer (LA) had sent a letter to the petitioner directing him to appear for payment of compensation and at the time of appearance, he was directed to produce an identity certificate with specimen signature of the petitioner duly attested from SDO/SDC concerned along with one Government employee not below the rank of Grade-III employee as a witness for receiving the said amount.

[13] According to the petitioner, since he was out of station at the relevant point of time, he did not receive the said notice and the letter. According to the petitioner, he was back to his residence only in the year

2013. Nothing has been produced by the petitioner to show that he was out of station for such a long period and only in the year 2013, he came back to his home. The petitioner alleged that he was on driving of heavy vehicle outside the State. It is unimaginable that how a person having a family and lands has not visited his home for such a long period. Also, how it could be possible for the petitioner who is stated to have driving a vehicle even outside the State could not return to his home for such a long period and only in the year 2013 he returned back to his home. Since the petitioner alleged that the land compensation of his land was received by some other persons by playing fraud and putting his signature in the receipt, this Court is inclined to examine the allegation of the petitioner further.

[14] According to the petitioner on 4.10.2012, he had obtained RTI information and came to know that one K. Bidyapati Singh, who was serving as Head Master of Ching Tam Shalankonjil Shyama Junior High School became the witness and a person who was Up-Pradhan Saiton Gram Panchayat became the identifier to the receipt for collection of the amount of Rs.5,16,880/-. According to the petitioner, his signatures in the receipt have been forged and fraudulently received the compensation amount due to him by other persons.

[15] At this juncture, it is pertinent to note that earlier the petitioner approached the Learned Judicial Magistrate, First Class, Bishnupur by filing petition No.JMFC/B/14/412 dated 4.8.2014 and Kumbi Police Station had also registered an FIR No.26(12) of 2014 under Sections 379, 393, 403, 419, 426, 468, 471, 506 and 34 IPC. According to the petitioner, the persons cited in the aforesaid FIR have also obtained pre-arrest bail from the Sessions Judge, Bishnupur. The filing of the case before the Learned Judicial Magistrate, First Class, Bishnupur and the registration of FIR have not disputed by the respondents.

[16] It appears that upon the complaint before the District Collector, Bishnupur by the petitioner to take action against the persons who were involved in the alleged fraudulent receipt of the compensation amount, the District Collector has issued notices to the persons who were involved in receipt of the compensation amount and directed them to appear before him. In fact, vide notice dated 1.12.2012, the Deputy Commissioner directed the Officer-in-Charge of Kumbi Police Station to take necessary steps to produce one Ahanthem Ibungeha Singh and K. Bidyapati Singh before him on 15.12.2012 at 2.30 p.m. It is not disputed by the respondent authorities that no such enquiry is pending. In the affidavit-in-opposition as well as reply

affidavit, the third respondent simply stated that the Deputy Commissioner, Bishnupur vide letter dated 1.12.2012 addressed to the O.C., Kumbi P.S. to ascertain whether any FIR was registered in connection with the payment of land compensation for construction of R.S.M. Canal Khuga Project R.D.No.24 Km to 35 Km and copy of the said letter endorsed to the petitioner to report to the office of the D.C. Bishnupur on 15.12.2012 at 2.30 p.m. without fail. Nothing has been stated by the respondent authorities in respect of the progress of the aforesaid complaint. Thus, it is clear according to the respondent authorities that qua the receipt of the compensation amount due to the petitioner, an enquiry is pending and the same was not concluded till date.

[17] It is not the case of the respondent authorities that at the time of disbursement of the compensation amount due to the petitioner, the authority concerned had verified the identity of the land owner with photo electoral roll. On the other hand, the third respondent in his affidavit stated that the Collector (LA) has made the payment of land compensation to the pattadars, including the petitioner on the basis of land records, land ownership certificate, specimen signature furnished by the SDC, Kumbi. In the instant case, the petitioner alleged impersonation. If the respondent authorities

verified the photo identity of the land owner at the time of disbursement of the compensation, the impersonation, if any, could be prevented. As stated supra, at the time of disbursement of the amount, the respondent authorities failed to verify the photo identity of the land owners.

[18] It is also the case of the petitioner that there are some vested interested persons in the office of the third respondent who were colluded with the persons who involved in the entire episode. At this stage, this Court cannot come to the conclusion that some vested interested persons in the office of the third respondent involved in the alleged receipt of the compensation amount due to the petitioner and by fraudulently putting his signature by impersonation has received the compensation. Since already criminal complaint has been lodged and the official concerned has taken cognizance of the complaint filed by the petitioner, it would be appropriate to direct the respondent authorities to proceed the enquiry for the purpose of proving the petitioner's signature in the certificate/APR. No prejudice would be caused to the respondent authorities, if the writ petition is disposed of by directing the respondents to proceed with the enquiry. On the other hand, if no direction is given to the authorities to proceed and conclude the pending enquiry, the truth will not come to the light and the petitioner would be put to

irreparable loss and damage as serious allegation of fraud in the withdrawal of an amount of Rs.5,16,880/- has been made.

[19] On overall analysis of the materials produced by both sides, dismissal of the writ petition on the ground that no material available in support of the petitioner's case of fraudulent withdrawal of the compensation amount would not serve any purpose. On the other hand, as stated supra, qua the alleged withdrawal of the compensation amount by playing fraud by some other persons, a cognizance has been taken by the respondent authorities and the enquiry is stated to be pending. Therefore, in order to ascertain the truth, it would be appropriate to dispose of the writ petition with a direction to the authority concerned to conclude the pending enquiry and if fraud is proved, then to take action against the persons involved in the alleged withdrawal of the compensation amount.

[20] Considering the facts and circumstances of the case, this Court is inclined to dispose of the writ petition with the following directions:

- (A) The writ petition is disposed of.
- (B) The respondent authorities are directed to proceed the enquiry, which has already been commenced, for the

purpose of proving the petitioner's signature found in the certificate/APR (Annexure-7 to the writ petition) by issuing notices to all concerned for their appearance and pass a reasoned order.

- (C) The said exercise is directed to be completed within a period of three months from the date of receipt of a copy of this order.
- (D) If the respondent authorities found fraud in the receipt of the compensation due to the petitioner, then take action against the persons involved for recovery of the withdrawal amount apart from penal action.
- (E) The pending criminal case qua fraudulent withdrawal of the land compensation due to the petitioner, if any, is directed to be completed/concluded by the police/court concerned as expeditiously as possible.
- (F) If the respondent authorities are of the opinion after enquiry that a fraud has been played and the compensation amount has been fraudulently withdrawn

by the other persons by putting the signature of the petitioner by impersonation, in that case, the respondent authorities are directed to make payment of Rs.5,16,880/- due to the petitioner towards the land compensation for acquisition of the piece of the homestead land of the petitioner.

(G) The respondents are directed after concluding the enquiry, to report this Court on 25.04.2022.

(H) The Registry is directed to list this case for reporting compliance on 25.04.2022.

(I) No costs.

[21] Registry is directed to issue copy of this order to both the parties through their whatsapp/e-mail.

JUDGE

FR/NFR

-Larson