

IN THE HIGH COURT OF MANIPUR

AT IMPHAL

WP(C) No. 673 of 2020

1. Shri Mayengbam Dhoni Singh, aged about 56 years old, S/o M. Amusana Singh, a resident of Sanjenthong Awang Leikai, P.O. Imphal & P.S. Porompat, Imphal East District, Manipur-795001.
2. Shri Waikhom Tombi Singh, aged about 50 years old, S/o Waikhom Kesho Singh, a resident of Sanjenthong Awang Leikai, P.O. Imphal & P.S. Porompat, Imphal East District, Manipur-795001.
3. Shri Abujam Nelson, aged about 43 years old, S/o Abujam Lairenjao Singh a resident of Sanjenthong Awang Leikai, P.O. Imphal & P.S. Porompat, Imphal East District, Manipur-795001.
4. Smt. A. Surodhoni Devi, aged about 60 years old, a resident of Sanjenthong Awang Leikai, P.O. Imphal & P.S. Porompat, Imphal East District, Manipur-795001.
5. Shri S. Raju Singh, aged about 55 years old, S/o Abujam Lairenjao Singh, a resident of Sanjenthong Awang Leikai, P.O. Imphal & P.S. Porompat, Imphal East District, Manipur-795001.
6. Smt. Mikhu Kabui @ Mikhu Kamei, aged about 61 years old, S/o Laibakmacha, a resident of Sanjenthong Awang Leikai, P.O. Imphal & P.S. Porompat, Imphal East District, Manipur-795001.
7. Shri Maring Ningthoujao, aged about 50 years old, S/o Maringjao, a resident of Sanjenthong Awang Leikai, P.O. Imphal & P.S. Porompat, Imphal East District, Manipur-795001.
8. Shri Chingakham Angouton aged about 55 years old, S/o Chingakham Khouton, a resident of Sanjenthong Awang Leikai, P.O. Imphal & P.S. Porompat, Imphal East District, Manipur-795001.
9. Shri Mairubam Lukhoi Singh, aged about 65 years old, a resident of Sanjenthong Awang Leikai, P.O. Imphal & P.S. Porompat, Imphal East District, Manipur-795001.
10. Smt. Maibam Sanahanbi, aged about 56 years old, W/o M. Rajmohan Singh, a resident of Sanjenthong Awang Leikai, P.O. Imphal & P.S. Porompat, Imphal East District, Manipur-795001.
11. Smt. Moirangthem Thoibi Devi, aged about 70 years old, W/o M. Bidhu Singh, a resident of Sanjenthong Awang Leikai, P.O. Imphal & P.S. Porompat, Imphal East District, Manipur-795001.

12. Lien Gangte, aged about 46 years old, S/o Tonglam Gangte, a resident of Sanjenthong Awang Leikai, P.O. Imphal & P.S. Porompat, Imphal East District, Manipur-795001.
13. Shri Nongmaithem Bungocha, aged about 41 years old, S/o (L) N. Babathem Singh, a resident of Sanjenthong Awang Leikai, P.O. Imphal & P.S. Porompat, Imphal East District, Manipur-795001.
14. Sagolshem Bulu Singh, aged about 47 years old, S/o (L) S. Shridham Singh, a resident of Sanjenthong Awang Leikai, P.O. Imphal & P.S. Porompat, Imphal East District, Manipur-795001.
15. Sagolshem Pujaa, aged about 35 years old, D/o (L) Shridham Singh, a resident of Sanjenthong Awang Leikai, P.O. Imphal & P.S. Porompat, Imphal East District, Manipur-795001.
16. Lishram Premananda Singh, aged about 53 years old, S/o (L) L. Ibochou Singh, a resident of Sanjenthong Awang Leikai, P.O. Imphal & P.S. Porompat, Imphal East District, Manipur-795001.
17. K. Maringbilu, aged about 60 years old, w/o Brojen Singh, a resident of Sanjenthong Awang Leikai, P.O. Imphal & P.S. Porompat, Imphal East District, Manipur-795001.
18. Laithangbam Brajakumar Singh, aged about 29 years old, S/o Laithangbam Bijoy Singh, a resident of Sanjenthong Awang Leikai, P.O. Imphal & P.S. Porompat, Imphal East District, Manipur-795001.

..... Petitioner/s

- Versus -

1. The State of Manipur through the Commissioner (Revenue), Govt. of Manipur, Old Secretariat South Block, P.O. & P.S. Imphal, Manipur PIN No. 795001.
2. The Sub-Divisional Officer, Porompat, P.O. & P.S. Porompat, Imphal East District, Manipur-795005.

..... Official Respondent/s

With
WP(C) No. 127 of 2025 with
MC(WP(C) No. 123 of 2025

1. Khuprengthang Kom aged about 50 S/o Ibohal Kom of Sanjenthong P.O. & P.S. Porompat Imphal East, Manipur-795005.
2. Leishangthem Sanajaoba Meitei aged about 70 years S/o (L) L. Chimni Meitei of Sanjenthong Awang Leikai P.O. & P.S. Porompat Imphal East, Manipur 795005.

3. Sagolsem Debaraj Singh aged about 40 years S/o Sagolsem Shridam Singh of Sanjenthong Awang Leikai P.O. & P.S. Porompat Imphal East, Manipur 795005.
4. Mani Gonmei aged about 70 years S/o (L) Pantiphun of Namthanpung Sangenthong P.O. & P.S. Porompat Imphal East, Manipur 795005.
5. Chao Gangmei aged about 50 years S/o (L) L. Yaima of Namthanpung Sanjenthong P.O. & P.S. Porompat Imphal East, Manipur 795005.
6. Mansi Panmei aged about 44 years S/o Gaikhangjaipou of Namthanpung Sanjenthong P.O. & P.S. Porompat Imphal East, Manipur 795005.
7. Deborah Pamei aged about 55 years S/o Makuhan Thaimai of Namthanpung Sanjenthong P.O. & P.S. Porompat Imphal East, Manipur 795005.
8. P.G. Lambi Chung aged about 84 years S/o (L) Bonulsing of Namthanpung Sanjenthong P.O. & P.S. Porompat Imphal East, Manipur 795005.
9. Md. Abdul Hassan aged about 55 years S/o Abdul Manaf of Namthanpung Sanjenthong P.O. & P.S. Porompat Imphal East, Manipur 795005.
10. Namkon Kamei aged about 63 years S/o Kabuichungpou of Namthanpung Sanjenthong P.O. & P.S. Porompat Imphal East, Manipur 795005.
11. Md. Tolen Khan aged about 65 years S/o (L) Md. Niyaz Ali of Namthanpung Sanjenthong P.O. & P.S. Porompat Imphal East, Manipur 795005.
12. Md. Taj Khan aged about 58 years S/o Md. Tomba of Namthanpung Sanjenthong P.O. & P.S. Porompat Imphal East, Manipur-795005.
13. Abdul Hashim aged about 65 years S/o (L) Md. Nasserudin of Namthanpung Sanjenthong P.O. & P.S. Porompat Imphal East, Manipur 795005.
14. Ismail Khan aged about 35 years S/o (L) Md. Abdul Kasim of Dimdailong, P.O. & P.S. Porompat Imphal East, Manipur 795005.
15. Rojita Gangmei aged about 48 years W/o Dr. H. Angam of Dimdailong, P.O. & P.S. Porompat Imphal East, Manipur 795005.
16. Lamaru Golmei aged about 66 years S/o (L) Janglung Phaomei of Dimdailong, P.O. & P.S. Porompat Imphal East, Manipur 795005.
17. Johnson Kamei aged about 36 years S/o Taithalung Kamei of Dimdailong, P.O. & P.S. Porompat Imphal East, Manipur 795005.

18. Sanahanbi Panmei aged about 47 years W/o Poupangai Panmei of Dimdailong, P.O. & P.S. Porompat Imphal East, Manipur 795005.
19. Sahidur Rahman aged about 58 years S/o (L) Md. Rahimuddin of Dimdailong, P.O. & P.S. Porompat Imphal East, Manipur 795005.
20. K. Kaijingailu Kamei aged about 51 years D/o K. Kumar Kamei of Dimdailong, P.O. & P.S. Porompat Imphal East, Manipur 795005.
21. Sheikh Rubaiya aged about 34 years W/o Md. Ajad Namthanpung Sanjenthong, P.O. & P.S. Porompat Imphal East, Manipur 795005.

.....Petitioner/s

- Versus -

1. The State of Manipur represented by the Secretary/Commissioner, Land Resources Department, Government of Manipur, Manipur Secretariat Complex, Babupara, Imphal-795001, Manipur.
2. The Deputy Commissioner, Imphal East, Porompat, Imphal East District, Manipur-795005, Manipur.
3. The Sub-Divisional Officer, Porompat, Imphal East, D.C. Imphal East Office Complex, Porompat, Imphal East-795005, Manipur.

..... Respondent/s

B E F O R E

HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

For the Petitioner/s	::	Mrs. G. Pushpa, Adv. & Mrs. Th. Babita, Adv.
For the respondent/s	::	Mr. Lenin Hijam, AG assisted by Ms. Sharmila, Adv.
Date of hearing	::	13.03.2025
Date of Order	::	29.05.2025

ORDER (CAV)

[1] Heard Mrs. G. Pushpa, learned counsel and Mrs. Th. Babita, learned counsel for the petitioners. Also heard Mr. Lenin Hijam, learned A.G. assisted by Ms. Sharmila, learned counsel on behalf of the State respondents.

[2] In **WP(C) No. 673 of 2020**: The petitioners who are 18 in numbers approached this Court by way of the present writ petition being WP(C) No. 673 of 2020 challenging the impugned notification dated 07.12.2020 issued by the Sub-Divisional Officer, Porompat, Imphal East in Eviction Case No. 16 of 2020/SDO/P/IE under the Manipur Public Premises (Eviction of Unauthorized Occupants) Act, 1978. In the impugned notification, it is stated that the petitioners and 20 households are alleged to be illegal encroachers occupying over the the eastern bank of Imphal River from Sanjenthong to Minuthong by constructing dwelling houses. The petitioners and others were directed to vacate the premises by 16.12.2020.

[3] It is the case of the petitioners that after occupying the above land for the last more than 40 years, they are entitled for allotment of the land under their occupation in terms of the State Cabinet decision taken on 24.10.1992. It is also stated that they have submitted a representation dated 11.12.2020 to Local MLA-cum-Minister MAHUD, Social Welfare & Cooperation, Government of Manipur with copy endorsed to the Commissioner (Revenue), Government of Manipur and SDO, Porompat, Imphal East, Manipur.

[4] The petitioners have been occupying their homestead lands under Village No. 26(A) Nongpok Ingkhol, Imphal West, Manipur for the last more than 40 years without break and it is stated that they are entitled to get allotment in view of the decision of the State Cabinet taken on 24.10.1992. Some of the petitioners have also recorded their names in the Jamabandi

pattas and also in the relevant revenue Dag Chitha after paying land revenue from time to time.

[5] Along with the writ petition, the petitioners have enclosed the land revenue record showing their possessions over the said land. The possessions of the petitioners can also be seen from the electoral roll of 15-Wangkhei Assembly Constituency where the names of the petitioners are shown in the voter lists published on 16.11.2020. The petitioners have also annexed some of the receipts of the land revenue receipt to substantiate that they are in possessions of the land and they are regularly paying taxes. The petitioners have also electric connection in their names and their names can be seen from the electoral roll.

[6] After receiving of the impugned eviction notice dated 07.12.2020, the petitioners jointly make a representation dated 11.12.2020 to the Local MLA cum Minister requesting to review the order dated 07.12.2020 passed in Eviction Case No. 16 of 2020 by the SDO, Porompat, Imphal East, Manipur.

[7] In the representation to the Local MLA cum Minister for MAHUD, Social Welfare & Cooperation, Government of Manipur, it is stated that the petitioners have been staying there for more than 40 years by constructing their dwelling houses and they have no alternative place of dwelling and their names are included in the voter lists for 15-Wangkhei Assembly Constituency for many years and issuing eviction notice dated 07.12.2020 suddenly for vacating by 16.12.2020 without prior notice will cause hardship to them. The dwelling houses of the petitioner have not obstructed, 33 ft. breadth inter-village road from Sanjenthong to Namthanpung. It is stated that the

construction made by the petitioners does not obstruct the road, rather it protects the river bank of the Imphal River by such structures. It is requested to review the matter considering the Covid-19 pandemic on humanitarian ground, as it will be very difficult to get rent at the short notice also.

[8] It is also stated that the impugned eviction notice dated 07.12.2020 is liable to be quashed, as the same was issued without giving any opportunity to the petitioners in violation of the principle of natural justice. It is further stated that as per Section 3 of the Manipur Public Premises (Eviction of Unauthorized Occupants) Act, 1978, the competent authority has to issue the eviction order after making due enquiry and in the present case, no such enquiry was conducted before issuing the impugned eviction notice dated 07.12.2020. Since the petitioners are staying for the last 40 years by paying taxes from time to time and have entered their names in the Jamabandi, they are entitled to get allotment in their favour, as done in the case of Lamshang Assembly Constituency.

[9] Vide order dated 16.12.2020, this Court issued notice to the respondents to consider the long possession of the petitioners over the land in question for the last about 40 years and entering of their names in the relevant revenue record. As an interim measure, this Court directed the respondents not to evict the petitioners from the land under their possession till next date. The interim order has been extended from time to time.

[10] By way of additional affidavit dated 15.12.2020, the petitioners placed on record two documents i.e. the order dated 11.06.2001 passed by the Gauhati High Court (Imphal Bench) in WP(C) No. 924 of 2001 holding that

Sub-Divisional Magistrate is not the competent authority to issue eviction notice under Section 3 of Manipur Public Premises (Eviction of Unauthorized Occupants) Act, 1978 and the same can be issued by the Deputy Commissioner/Addl. Deputy Commissioner/SDO/Assistant Commissioners/ Special Officer (Eviction) within their respective jurisdiction. Second document is the allotment application submitted by some of the petitioners.

[11] Two of the petitioners submitted an application to the competent authority for allotment of land on 28.03.2012 in terms of the State Cabinet decisions on 24.10.1992 and circulated on 28.10.1992 and the same are still pending before the authority.

[12] In view of the affidavit-in-opposition i.e. counter affidavit dated 17.03.2021 filed by the State respondents, the State respondents denied the allegation made in the writ petition. It is stated that the pattas and Dag Chitha annexed to the writ petition are false and fabricated and there are no records of any encroachers in the Dag No. 5803 and 5804 in the relevant land records maintained by the Office of the Directorate of Settlement and Land Records, Manipur. Further, the signatures of the officers and staff in the said pattas and Dag Chittha are false and fabricated. It is also stated that there are no records of issuance of Dag Chittha and pattas by the concerned officials of the said Dags in the year 2017 to 2020. It is also stated that the petitioners are misleading the Court thereby co-relating the decision taken by the State Cabinet on 24.10.1992 with the present case, as no decision has been taken and as such, decision might be taken for some specific circumstances and not general rule for allotment in all cases.

[13] The plea of the respondents is that the claim of the petitioners for possession over the land in dispute over 40 years, is without any evidence. Recording of the names in Aadhaar or electricity connection or voter card does not mean that such persons are permanent residents of the said place and entering names in the Aadhaar or electricity connection or voter card can be done easily by those who are staying in rent also. It is also stated that the SDO, Porompat has initiated the process of eviction after minutely verifying all the materials available on record and after receiving due instructions from the higher authority as well as by following proper procedure and the allegation of issuing eviction notice without due proper procedure is without any basis.

[14] It is also stated that proper notice was served to the petitioners and this can be known from the fact that they made representation against the eviction order. It is further stated that the main reason for eviction by the State Government is to initiate Smart City Project for the betterment of the public and the petitioners who are encroachers over the public land, are required to be evicted for the said purpose. Dag No. 5803 and 5804 are recorded as river bank (road) and road site in the relevant land records in the year 1960 and allotment of land to the Lamshang Assembly Constituency has no similarity and cannot be related to the present case. It is also stated that assuming the possession of the petitioners is for more than 40 years, the matter has to be ventilated in a Civil Court of competent jurisdiction and not in a Constitutional Court. It is prayed that the writ petition may be dismissed.

[15] The State respondents have also filed affidavit-in-opposition dated 17.03.2021 to the additional affidavit filed by the petitioners stating that

the order dated 11.06.2001 passed in WP(C) No. 924 of 2001 is not applicable in the present case, as the impugned eviction notice dated 07.12.2020 was issued by SDO, Porompat after following the procedure laid down in Section 3 of Manipur Public Premises (Eviction of Unauthorized Occupants) Act, 1978 and denied rest of the averments.

[16] The petitioners filed rejoinder affidavit dated 20.06.2024 denying the plea of the State respondents that the revenue documents submitted by the petitioners are fake and fabricated. Annexure-A/1(series) to the writ petition is self-explanatory as to whether the petitioners have been occupying over the land in dispute over 40 years. The petitioners also denied the plea of the State respondents that Aadhaar Cards or electricity connection or voter cards can easily be obtained by any person who is staying in rent. It is also stated that the eviction process, without going through official records only in the year 2020, is hit by the Principles of Adverse possession and hence, the same is untenable. It is also stated that the government has discriminated against the petitioners, as some of the VIPs such as Ministers and MLAs have been given allotment orders and only the poor like the petitioners have been targeted for eviction. It is also stated that if the government requires the land for initiation of Smart City Project, the same can be done following due process of land under the Land Acquisition Act, 1894.

[17] **In WP(C) No. 127 of 2025:** The petitioners who are 21 in numbers challenged the impugned order dated 10.02.2025 issued by the SDO, Porompat, Imphal West, Manipur under Section 3 of the Manipur Public Premises (Eviction of Unauthorized Occupants) Act, 1978 in connection with

Eviction Case No. 2 of 2025/SDO(P)/IE whereby directing 22 persons (including 21 petitioners herein) for vacating and to remove structures upon it by 5.00 pm of 16.02.2025, failing which eviction will be carried out on any day without further notice.

[18] It is the case of the petitioners that the stretch of land on eastern bank of Imphal River stretching from Sanjenthong to Minuthong were all State Khas lands. These portions of the State land have been under the habitation of many communities such as Meiteis, Meitei Pangals, Kabui, Tangkhul, Kom, Kukis, etc. for the last 40 years. The stretch of land including inhabited by the petitioners are known as Mama Ingkhol Galapati, K.R. Lane, New Lambulane, Dimdailong, Namthanpung, Mission Lane and Sanjenthong Meitei Leikai. It is stated that the names of the petitioners are recorded or entered in the Dag Chithas where the land is recorded as State land and the petitioners' names are recorded in the remark column as occupiers of the State land. Some of the petitioners have also recorded their names as owners of the land. It is stated that the petitioners are occupying over the land shown in the sketch map for the last 40 years and the petitioners have already applied for allotment of land under their possession to the competent authority.

[19] Vide letter dated 03.07.2015, the Directorate of Settlement of Land Records (DSLRL) to the Secretary (Revenue), Government of Manipur forwarded 19 applications submitted by the petitioners herein for allotment of land under their occupation and it was submitted for processing. In the letter dated 03.07.2015, the possessions of the petitioners are indicated in the schedule of land along with Dag No., Area in acre, classification and khas

land. It is stated that no objection certificate has been issued by the local councillor. The application for allotment is pending with the authority.

[20] It is stated that the impugned order dated 10.02.2025 issued by the SDO, Porompat, Imphal East directing 22 residents (including 21 petitioners herein) was issued ex-parte without any notice. The 22 persons sought to be evicted were not impleaded as party in Eviction Case No. 2 of 2025 and no notice was served upon them before issuing the impugned order dated 10.02.2025 in violation of due process of law. It is stated that it is liable to be quashed. Another ground is that some of the children of the petitioners are also appearing in the ensuing Class 10 and Class 12 examination and it is prayed that eviction order dated 10.02.2025 be stayed during the pendency of the present petition.

[21] This matter was taken up in a special bench on 16.02.2025 and as undertaken by the Ld. A.G. that till next date of hearing, the petitioners would not be evicted and recording the submissions made at the bar, this matter was directed to be listed along with WP(C) No. 673 of 2020. The interim order in WP(C) No. 673 of 2020 and the undertaking of the learned AG (later on, status quo) in WP(C) No. 127 of 2025, have been extended from time to time till the pronouncement of the order.

[22] In WP(C) No. 673 of 2020, this Court passed an order dated 13.02.2025 recording the submission of Ld. A.G. that the interim order dated 16.12.2020 staying the eviction of the petitioners, required to be modified so that the State Government may be permitted to do expansion of road to the

extent of 5 to 10 ft. from the land under occupation by the petitioners without affecting the right of the parties subject to the outcome of the writ petition.

[23] In the order dated 20.02.2025 in WP(C) No. 127 of 2025 and WP(C) No. 673 of 2020, it was recorded that Ld. A.G. submitted a proposal along with satellite map showing the extent of land required from the petitioners on the average ranging from 5 to 15 feet for the development and expansion of road from Sanjenthong to Minuthong on the eastern side of the Imphal River in connection with the development of Smart City Project.

[24] On 21.02.2025, at the request of the learned counsel for the petitioners, this court directed the State respondents to file satellite map for expansion of road by 30 ft. thereby requiring approximate range of 5 to 15 ft. under the occupation of the petitioners in both cases by way of affidavit showing the area of land required from the possession of the petitioners in tabular form. Thereafter, the State respondents have filed preliminary affidavit in compliance of the order dated 21.02.2025 in WP(C) No. 127 of 2025 and WP(C) No. 673 of 2020.

[25] It is stated that Annexure-R/3 is the lists of encroachers recorded in village No. 26(A) of Nongpok Ingkhol having 39 persons including the petitioners in both the cases. Annexure-R/3 is reproduced as:

“LIST OF ENCROACHERSR UPON THE PUBLIC ROAD ON THE EASTERN BANK OF IMPHAL RIVER FROM SANJENTHONG TO MINUTHONG (2.20 km):

No. & Name of revenue Village: 26(A)-Nongpok Ingkhol

Sl. No	Dag No.		Name of Encroachers	Recorded area of 1962 survey (in acre)	Affected area		Affected dimension (in feet)		Statu s of land	Type/Nature of encroachment
	Old	New			Acre	Hectare	Le ngt h	Breadt h		

1	5803, 5804	6009, 6012	Moirangthem Thoibi Devi W/O Bidhu Singh of Sanjenthong	.32 & .415	.0076	.0030	51 x 6.5	State land	Katcha House
2			Nongmaithem Bungocha S/O (L) Babatham Singh of Sanjenthong		.004	.0016	25 x 7		Kactha house
3			Mayengbam Dhoni Singh S/O (L) Amusana Singh of Sanjenthong		.005	.00020	32 x 7		Katcha house
4			Leithambam Brajakumar Singh S/O Bijoy Singh of all Sanjenthong		.003	.0015	27 x 6		Semi Pacca house
5			i) Chingkhram Angouton S/O Khouton ii) Maibam Sanahanbi Devi W/O Rajmohon Singh of all Sanjenthong		.005	.0020	32 x 7		Semi pacca house
6			Sagolsem Shridam of Sanjenthong		.004	.0016	36 x 5		Katcha house
7			Ayekpam Surodhoni Devi W/O Meino of Sanjenthong		.002	.0012	26 x 5		Semi pacca house
8			Mairubam Lukhoi Singh		.003	.0013	28 x 5		Katcha house
9			Abujam Nelson Lairenjao of Sanjenthong		.003	.0013	28 x 5		Free land
10			Sagolshem Devaraj Singh		.001	.0007	17 x 5		No house
11			Sagolshem Bulu Singh S/O (L) Shridham of Sangenthong		.003	.0015	28 x 5.5		Katcha house
12			Sagolshem Puja D/o (L) Shridham of Sanjenthong		.003	.0015	22 x 7.5		Semi pacca house
13			Waikhom Tombi Singh S/O Kesho Singh of Sanjenthong		.003	.0015	30 x 5.5		Semi pucca house
14			Laishram Premananda S/O (L) Ibochou of Sanjenthong		.001	.0007	28 x 3		Pucca house
15			Laishram Sanajaoba Singh S/O (L) Chenmi of Sanjenthong		.003	.0015	31 x 4.5		Pucca house
16			Kamei Mikhu S/O (L) Maringjao of Sanjenthong		.004	.0016	21 x 8.5		Pucca house
17			Maring Ningthoujao S/O (L) Maringjao of Sanjenthong		.006	.0026	21 x 13.5		Pucca house
18			Maringbi W/O Brojen Singh of Sanjenthong		.005	.0020	13 x 17		Pucca house
19			Lien Gangte S/O Tonglam Gangte of Sanjenthong		.034	.0141	105 x 14.5		Free land

Sl. No	Details of Encroacher	C.S. Dag No.		Classification	Recorded area (in hectare)	Affected area (in hectare)	Affected dimension (in feet)		Status of land	Type of structure
		Old	New				Length	Breadth		
20	i) Mani Golmei S/O (L) Pantikhul Gangmei of Nanthanpung ii) Adunmei Rommei S/O (L) Pantifull of Nanthanpung iii) Sana S/O Makukhom of Nanthanpung	5616	4060	Ingkhol	.00419	.0082	74 x 12	State Land	Kacha gate	
21	Chao Gangmei S/O (L) Yaima Gangmei of Nanthanpung	5614, 5615	4056	Ingkhol	0.0395	.0051	48 x 11.5		Pucca Building	
22	Mamsi Panmei S/O Gaikhojang of Sanjenthong	5614, 5616	4055	Ingkhol	0.0226	.0047	46 x 11		Pucca Building	
23	Decoral Pammei S/O. Adin Panmei of Nanthanpung	5613, 5614	4044	Ingkhol	0.0153	.0061	58 x 11.5		Semi Kutcha House	
24	Lambicheng Gangmei S/O (L) Bokul Singh of Sanjenthong	5613	4042	Ingkhol	0.0145	.0055	63 x 9.5		Semi Kutcha House	
25	Md. Abdul Hassan S/O Abdul Manaf	5610, 5611	4035	Ingkhol	.0368	.0009	28 x 3.5		Semi Kutcha House	

26	Nasakalu Kamei S/O Kabui Chongu Kamei of Dimdailong	5610, 5611	4031	Ingkhol	0.019 2	.0031	32 x 10.5	Pucca building
27	Md. Tolen Khan S/O (L) Niyaz Ali of Urup Awang Leikai	5610, 5611	4330	Ingkhol	0.020 6	.0041	37 x 12	Pucca building
28	Khupreingthang Kom S/O Kinneyang Kom of Dimdailong	5608, 5609	4026	Inhkhol	.0302	.0084	73 x 12.5	Pucca building
29	Tajkhan S/O Tomba of Dimdailong	5608, 5609	4022	Ingkhol	.0161	.0032	27 x 13	Semi Kutcha House
30	Md. Abdul Hakim S/O Samerudding of Borayangbi	5608, 5609	4021	Ingkhol	.0067	.0042	35 x 13	Semi Kacha house
31	Md. Ismail Khan S/O Abdul Kasim of Dimdailong	5608, 5609	4016	Ingkhol	.0019 2	.0020	16.5 x 13	Semi Kutcha House
32	i)Gangmei Roshita W/O G. Angam of Dimdailong ii) Dr. Angam Gangmei	5609, 5608	4015 4014, 4013	Ingkhol Ingkhol Ingkhol	.0018 .0186 .0121	.0068	59 x 12.5	Semi Kutcha House Semi Kutcha House Semi Kutcha House
33	Lamaru Golmei W/O (L) K. Gangleng Kabui of Dimdailong	5608	4012	Ingkhol	0.026 1	.0033	33 x 11	Semi kutcha House
34	K. Johnson Kamei S/O Yadailung Kamei of Dimdailong	5607, 5608	4011	Ingkhol	0.026 6	.0032	31 x 11	Pucca building
35	P. Sanahanbi W/O Popangai Kamei of Dimdailong		4010	Ingkhol	0.025 0	.0034	32 x 11.5	Pucca building
36	Marona W/O Makusingh of Nongpok Ingkhol		4008	Ingkhol	0.025 7	.0032	32 x 11	Pucca building
37	i)Md. Sahidur Rahaman S/O Rahimuddin of Dimdailong ii)Pusera Bibi W/O Mufizuddin of –do-		4007	Ingkhol	0.009 5	.0029	32 x 10	Semi Pucca
38	Sheikh Rubeya D/O Md. Ajad of Lilong Heinoumakhong		4005	Ingkhol	0.009 3	0.002 8	31 x 10	Semi Kacha House
39	Thongkothang Baite S/o Tongkhojang Baite of New Lambulane	5421	2133	Ingkhol	0.024 8	.0066	60 x 12	Semi Kacha House

[26] Annexure-R/4 is satellite map showing the extent of land required from the occupation of the petitioners and other persons mentioned in the lists of encroachers for widening and development of inter-village road to 30 ft. The map shows from the range of 5 to 15 ft. as required for the 30 ft road.

[27] It is also stated that the expansion of road was required in terms of the letter dated 29.06.2024 issued by the Government of India, Ministry of Housing & Urban Affairs (Smart Cities Division) to all the Chief Secretaries of all States/UTs, Principal Secretaries (Urban Development) of all States/UTs and CEOs of 100 Smart City SPVs to extend Smart Cities Mission upto

31.03.2025 with additional cost and in order to complete the work within scheduled time, the development of the road is required.

[28] It is also stated that the writ petitions are not maintainable and adopts the contents of the counter affidavit dated 17.03.2023 submitted by the State respondents in WP(C) No. 673 of 2020. The petitioners are entering over the land and the documents recorded in the revenue records are false and fabricated. The State respondents have also referred to the provision of Section 20A(1) of the Specific Relief Act, 1963 which provides that no injunction shall be granted by the Court under the Act in matters involving contract relating to an infrastructure project specified in the Schedule and Section 41(ha) of the Act prohibits injunction against the Government project on infrastructure.

[29] It is also stated that road and bridges are listed as infrastructure sub-sectors under Serial No. 1 of the category-Transport in the schedule of the Act. It is stated that Smart City Project is initiated by the Indian Government's Smart Cities Mission and aims to transform the city of Imphal, Manipur into a more sustainable and technologically advanced urban area, focusing on key aspects like improved mobility, traffic management, solid waste monitoring, preservation of cultural heritage and development of green spaces, all with a citizen-centric approach and fund for the Smart City Project would lapse in March 2025.

[30] The State respondents have also referred to the judgment in **NG Project Limited v. Vinod Kumar Jain & Ors.** reported in **(2022) 6 SCC 127** where the High Court was advised not to stay the construction of infrastructure

project while exercising jurisdiction under Article 226 of the Constitution of India. It is also stated that new ground raising pure legal issue which required no proof can be permitted to be raised by the Court at any stage of proceedings in terms of the judgment of **National Textile Corporation Limited vs. Nareshkumar Badrikumar Jagad & Ors.** reported in **(2011) 12 SCC 695.**

[31] It is also stated that Section 6 of the Manipur Public Premises (Eviction of Unauthorized Occupants) Act, 1975 provides for filing of the appeal to the Revenue Commissioner against any order passed by any competent authority in respect of any public premises under Section 3(1) of the Act. But the petitioner, without exhausting the remedy available under Section 6 of the Act, approached this Court by way of present writ petition and hence the same is not maintainable.

[32] It is stated that as per the gazette notification dated 28.03.2023, Manipur State Land Bank includes State land (Sarkari land) in the State, a moratorium was imposed on allotment of land under Section 14(1) and 14(2) of the MLR & LR Act, 1960 thereby notifying that all existing Sarkari land shall be included in the State Land Bank. It is also stated that as per Section 12(3) of the Manipur Flood Plain Zoning Act, 1978, no person shall undertake any activities within the prohibition area or restricted area except with the previous permission of the Flood Zoning Authority. It is stated that most of the land under illegal possession of the petitioners falls within the notified flood plain area and as such, the State respondents also filed reply affidavit/counter affidavit to writ petition being WP(C) No. 127 of 2025 denying the averments

made in the writ petition. It is stated that the petitioners are unauthorized occupants.

[33] The petitioners in WP(C) No. 673 of 2020 filed a reply affidavit to the additional affidavit filed by the State respondents. It is pointed out that in the impugned eviction order dated 07.12.2022, there was no whisper of Smart City Project and the possession of the petitioners for the last 40 years cannot be termed as illegal encroachers. The key project starts with the renovation like upgradation of Imphal Smart City Project includes development like upgrading sewerage system, Nambul and Imphal rivers rejuvenation, development of Kangla Fort, better transport services, pollution control and beautification activities in the capital. As a part of this Mission, the rejuvenation and conservation of Nambul River, Imphal, Manipur was started on 09.03.2019 and the project has to be executed in phase manner under the National River Conservation Plan of Ministry of Environment, Forest and Climate Change. The first phase of the project was taken up from polluted stretch of Nambul River from Iroisemba to Heirangoithong area. The mission does not focus on forceful and arbitrary eviction from private lands without plans. After signing of the MoU for more than 6 years, the Government of Manipur was dormant and has only woken up after issuance of the letters dated 29.06.2025 and 02.12.2024.

[34] The State Government has not approached this Court by way of any application for vacation/modification of the interim order dated 16.12.2020 but filing by way of additional affidavit dated 21.02.2025 and as such, the same cannot be considered as an application for vacation of the interim order dated

16.12.2020. It is also stated that as per the petitioners' measurement, 30 ft. width road is still available on the eastern side of Imphal River from Sanjenthong to Minuthong (2.20 Km) and as such, additional acquisition of 5 to 15 ft. from the possession of the petitioners and others for development of 30 ft. road is not at all required.

[35] It is also stated that in the lists of encroachers submitted by the State respondent in preliminary affidavit dated 21.02.2025, there are many discrepancies and one of the petitioners is an internally displaced person in recent Manipur violence. It is prayed that the prayer for vacation of the interim order be rejected. The State respondents also filed affidavit dated 11.03.2025 to the reply affidavit of the petitioner dated 03.03.2025 in WP(C) No. 127 of 2025.

[36] On 13.03.2025, hearing on vacation/modification of the interim order was concluded and the matter was reserved for order. The interim order was extended till the pronouncement of the order. These matters are taken up for vacating/modifying the interim order.

[37] Mr. Lenin Hijam, learned A.G., submits on merit that the petitioners are encroachers upon the government land and they are liable to be evicted at any stage after following the provisions of law. The impugned orders/notices of eviction have been issued in terms of the provisions of the Manipur Public Premises (Eviction of Unauthorized Occupants) Act, 1978 and no legally admissible of the documents have been submitted by the petitioners along with the writ petition. The names of the petitioners shown in the revenue records are fake and fabricated as such are not found in the original

government records. The petitioners have no inherent right to remain in the government land as encroachers, even though they are having electricity connection, adhaar cards and voter cards, etc. in their names.

[38] On the limited question of vacation of the interim order, Ld. A.G. refers to Section 20A and Section 41(ha) of the Specific Relief Act, 1963. Sub Section (ha) was inserted in Section 41 in the year 2018 and read as:

“41.(ha) If it would impede or delay the progress or completion of any infrastructure project or interfere with the continued provision of relevant facility related thereto or services being the subject-matter of such project.”

[39] It is stated that the development of inter-village road in pursuance of the development of Imphal Smart City Project is an infrastructure project and no stay can be granted in terms of the judgment of **NG Projects Ltd.** reported in **(2022) 6 SCC 127**. Learned A.G. refers to the judgment of the Hon’ble Supreme Court in **Jagpal Singh 7 Ors. vs. State of Punjab & Ors.** reported in **(2011) 11 SCC 396** where it was held that the encroacher has no legal right for regularisation. Learned A.G. also refers to **Milk Producers Association, Orissa & Ors. v. State of Orissa & Ors.** reported in **(2006) 3 SCC 229** to the point that illegal encroachment shall be evicted and there is no question of rehabilitation of such illegal encroachment.

[40] Reference is also made in the case of **Joginder v. State of Haryana** reported in **(2021) 3 SCC 300** that illegal encroachment cannot claim regularisation. The decision of the Hon’ble Supreme Court in the case of **In Re: Direction in the matter of demolition of Structure with WP(Crl.) No. 162** reported in **(2024) SCC Online SC 3291**, shall not be applicable in the

present case, as the said case was related to the demotion of illegal structure of the criminals without following due process and will not have any application with regard to the unauthorized structure in any public place road, street, footpath, abutting railway line or any river body or water bodies, etc. Learned A.G. also refers to the decision of the Hon'ble Supreme Court in the case of **State of Orissa v. Rajakishore Das** reported in **(1996) 4 SCC 221** that illegal construction without permission from the authority are liable to be evicted. Similarly, **M.I. Builders Pvt. Ltd. v. Radhey Shyam Sahu & Ors.** reported in **(1999) 6 SCC 464** is cited.

[41] Learned A.G. further submits that the petitioners have failed to produce any legal documents to satisfy that they have been staying for a period of more than 40 years and stated that it is a mix question of fact and law and has to be proved before the civil Court. Reference is made to the judgment of **Karnataka Board of Wakf v. Govt. of India** reported in **(2004) 10 SCC 779**.

[42] Referring to the decision of the Hon'ble Supreme Court in the case of **Guru Amarjit Singh v. Rattan Chand & Ors.** reported in **(1996) 4 SCC 349**, learned A.G. urges that entries in Jamabandi are not proof of title and they are only statements for revenue purpose and hence, the petitioners have no right over the land on the basis of such entry. It is also stated that the interim order dated 16.12.2020 passed in WP(C) No. 673 of 2020 is not made absolute till date and is extended from time to time. Learned G.A. refers to para 54 of the 5-Judge Constitution Bench decision in **High Court Bar Association, Allahabad vs. State of UP & Ors.** reported in **(2024) 6 SCC**

267 that extension of interim order should be by reasoned order. It is also stated that the judgment of **Olga Tellis v. Bombay Municipal Corpn.**, reported in **(1985) 3 SCC 545** will not applicable in the facts and circumstances of the present case.

[43] Learned A.G. also refers to Section 12(3) of Manipur Flood Plain Zoning Act, 1978 which bars any activities in the restricted area except with the previous permission of the Flood Zoning Authority. Most of the land under illegal possession of the writ petitioners falls within the flood plain as indicated in the satellite map. It is submitted that the interim order may be vacated or modified so as to enable the government to develop 30 ft. width road whereby the land under possession of the petitioners and others are required to the range of 5 to 15 ft for the said project. It is submitted that the development of the project is part of the Imphal Smart City Project and for the benefit of all the people and Court have to make a balance between individual right and right of the community.

[44] On the other hand, Mrs. G. Pushpa, learned counsel for the petitioners in WP(C) No. 673 of 2020, has made strong objection to the prayer for vacation/modification of the interim order dated 16.12.2020 passed by this Court whereby restraining the State respondents from evicting the petitioners. Learned counsel also refers to para 45 and 46 of the judgment of the **High Court Bar Association, Allahabad (Supra)** where it was held that interim order granted after hearing both the parties, can only be vacated on application of the parties and in the present case, no application for vacation of the interim order has been filed by the State respondents and it is merely

on the basis of the oral submissions made by the learned A.G. during the course of hearing and on the basis of the satellite map. It is stated that the interim order dated 16.12.2020 was passed after hearing both parties on merit.

[45] It is also stated that no opportunity of being heard is given to the petitioners of making their case to the preparation of satellite map and extend of land i.e. 5 to 15 ft. to be affected from the land under their possessions. It is also stated that the decision of **NG Project Ltd. (Supra)** as relied by the learned A.G. is not applicable in the present case and the fact of that case is regarding government contract.

[46] Mrs. G. Pushpa, learned counsel for the petitioners, has also refuted the plea of the learned A.G. that the revenue records entering the names of the petitioners and other records such as electricity bill, election voter card and adhaar card are false and fabricated and such plea cannot be accepted in terms of Section 74, 75, 76 & 77 of the Indian Evidence Act which provide for admissibility of public and private documents. It is stated that certified copy of the pattas, dag chittha and jamabandi annexed by the petitioners are to be presumed to be public documents and their authenticity cannot be denied by the State respondents as such. Learned counsel for the petitioners has pointed out that the petitioners have submitted enough documents along with the writ petition and has also produced additional documents to show their long possession over the land under their occupation.

[47] It is the specific case of the petitioners that Manipur Public Premises (Eviction of Unauthorized Occupants) Act, 1978 is not applicable to the present case and if the Act is presumed to be applicable for the sake of argument but without admitting the same, the impugned notice issued to the petitioners for eviction is in violation of Section 3(1) of the Act which stipulates enquiry to be conducted before issuing an eviction notice. It is stated that in the present case, no enquiry was conducted and no opportunity of being heard was offer to the petitioners to make their points. Even if enquiry as alleged was conducted, it was done without affording any opportunity to the petitioner and the same is not an enquiry in true sense.

[48] Mrs. G. Pushpa, learned counsel for the petitioners, refers to the judgment of **Olga Tellis (supra)** which stipulates that the slum dwellers encroaching over the foot path, have right to shelter, right to live and right to work and eviction from the pavement will uproot them from their residence and occupation. It is submitted that in the present case also if the petitioners are evicted from the land under their possession, they will have no place to shelter and most of them are daily wage earners. Mrs. G. Pushpa, learned counsel for the petitioners, submits that one of the petitioners is an internally displaced person in the recent Manipur violence and if anything is done to the property without his knowledge or presence, it will cause prejudice to him.

[49] Mrs. G. Puhpa, learned counsel for the petitioners, submits that Smart City Project does not stipulate forceful eviction of peaceful residents and eviction of the citizens. The present eviction notice is selective against the

poor and helpless people. It is submitted that the impugned eviction notice dated 07.12.2020 be set aside.

[50] Mrs. Th. Babita, learned counsel for the petitioners in WP(C) No. 127 of 2025, adopts the submissions of Mrs. G. Pushpa, learned counsel for the petitioners in WP(C) No. 673 of 2020. However, she further refers to Section 2(g) of the Manipur Public Premises (Eviction of Unauthorized Occupants) Act, 1978 which stipulates that unauthorized occupant means 6 years before the commencement of this Act and since the petitioners are in possession of the land for the last 40 years, the provisions of the Act will not be applicable. Learned counsel further submits that even if the Act is applicable, no notice was served to the petitioners in terms of Section 3 of the Act. The eviction case is also bad for non-impleading of the affected parties such as petitioners. It is prayed that the eviction order is also bad, as it was issued when the Class 10 and 12 examination was in full swing and it would affect academic career of the children adversely. It is submitted that most of the petitioners are poor and daily labourers and if they are uprooted within three days, they will have no place for stay and will affect their livelihood.

[51] During the course of hearing, Mrs. Th. Babita, learned counsel for the petitioners, also produces many new documents to show that the petitioners are occupying the present land and they have applied for allotment of the land under their occupation. Since allotment order has been issued to the similarly situated persons, it is submitted that the petitioners are also entitled to get allotment order of the land under their possession.

[52] Mrs. Th. Babita, learned counsel for the petitioners, refers to the judgment of the Hon'ble Supreme Court in the case of **Indrajeet Kaur vs. Nirpal Singh** reported in **(2001) 1 SCC 706** which emphasized the compliance of principle of natural justice to the affected parties and it is submitted that in the present case, no opportunity was granted to the petitioners before eviction notice was issued. Learned counsel also refers to the recent judgment of the Hon'ble Supreme Court in **In Re: Directions in the matter of demolition of structures** reported as **2024 Legal Eagle (SC) 998** which gives protection against the illegal demolition of structures by the State authority without following due procedure of law and it was emphasized that a minimum of 15 days' notice and personal hearing of owner of such structure be given. The impugned eviction order is against the direction issued by the Hon'ble Supreme Court.

[53] Reference is made to the decision of the Hon'ble Supreme Court in the case of **Grasim Industries Limited vs. State of Madhya Pradesh & Anr.** reported as **(2024) Legal Eagle (SC) 1103** regarding the violation of principle of natural justice, thereby offering no opportunity of hearing before imposition of the penalty. Mrs. Th. Babita, learned counsel for the petitioners, relies on the decision of the Hon'ble Supreme Court in **In Re Manoj Tibrewal Akash: 2024 INSC 863** which lay down the procedure to be followed in road widening project. The relevant para is reproduced as:

- “30. *Before acting in pursuance of a road widening project, the State or its instrumentalities must:*
- (i) *Ascertain the existing width of the road in terms of official records/maps;*

- (ii) *Carry out a survey/demarcation to ascertain whether there is any encroachment on the existing road with reference to the existing records/maps;*
- (iii) *If an encroachment is found, issue a proper, written notice to the encroachers to remove the encroachment;*
- (iv) *In the event that the notice raises an objection with regard to the correctness or the validity of the notice, decide the objection by a speaking order in due compliance with the principles of natural justice;*
- (v) *If the objection is rejected, furnish reasonable notice to the person against whom adverse action is proposed and upon the failure of the person concerned to act, proceed in accordance with law, to remove the encroachment unless restrained by an order of the competent authority or court; and*
- (vi) *If the existing width of road including the State land adjoining the road is not sufficient to accommodate the widening of the road, steps must be taken by the State to acquire the land in accordance with law before undertaking the road widening exercise.”*

[54] It is submitted that no process for demarcation and notice to the encroachers was given. Mrs. Th. Babita, learned counsel submits that in view of the documents annexed by the petitioners along with writ petition and additional documents produced by way of additional affidavit and submitted during the course of hearing, it is clearly established that the petitioners are in possession of the land under their occupation for more than 40 years and their applications for allotment are pending with the authority. Similarly situated persons have been given allotment order over the land under their possession and the petitioners are also entitled for regularization of the land under their possession. The petitioners cannot be stated as encroachers over the public land as they are paying taxes and their names have been recorded in the

relevant Government records. It is stated that the impugned order of eviction be set aside.

[55] Mrs. G. Pushpa, learned counsel for the petitioners in WP(C) No. 673 of 2020, refers to the judgment in the case of **Ningombam Parijat Singh vs. Chief Commissioner, Govt. of Manipur** reported as **(1969) 0 AIR(Manipur) 79** which states that Dag Chitha is a public document and the same can be relied and it is stated that the judgments relied by the learned A.G. are not applicable in the present case, as they are mostly concerned with the Government tenders.

[56] This Court has considered the materials on record including those submitted during the course of hearing, submissions made at the bar and the case law cited by the parties.

[57] In the present order, this Court considers the question of vacating/modifying the interim order and is not concerned with the merit of the case, even though both sides have argued extensively on the merit of the case.

[58] From the pleadings of the parties, it is seen that the petitioners are occupants over the government land for the past many years. However, their names have been recorded as encroachers over the public land and allotment orders for the lands under their occupation are yet to be issued by the authority, even though they have applied for the same. From the record, it is seen that some of the petitioners have recorded their names in the revenue records as owners, but any allotment order in this regard has not been produced by the petitioners.

[59] At the moment, this Court is not expressing any opinion as to whether the entry of the petitioners' names in the revenue records is false and fabricated as alleged by the learned A.G. and the same is left to be decided in appropriate proceeding or in the main matter. This Court is considering the request of the State respondents for permission for development of the 30 ft wide road from Sanjenthong to Minuthong on eastern bank of Imphal river as a part of Imphal Smart City Project. It is also seen from the additional affidavit submitted by the State along with satellite map that in the development of the inter-village road, the lands under the occupation of the petitioners and others to the extent of 5 to 15 ft., may be affected.

[60] It is an admitted fact that vide interim order dated 16.12.2020 in WP(C) No. 673 of 2020, after extensively hearing the learned counsel for the petitioners and State respondents, this Court passed an interim order staying the eviction of the petitioners from land under their occupation till next date and interim order has been extended from time to time. Similarly, in WP(C) No. 127 of 2025, on the assurance of the learned A.G., that the petitioners would not be evicted till next date due to ongoing examination of Class 10 and 12 and such undertaking was extended from time to time and when the undertaking was withdrawn by the learned A.G., this Court passed interim order of no eviction till next date and in both matters, it was observed that the interim orders would be extended till the pronouncement of the order in both the cases.

[61] Relying on the decision of the Hon'ble Supreme Court in the case of **High Court Bar Association, Allahabad (Supra)**, the learned counsel for

the petitioners submit that the prayer for vacation/modification of interim order by the State respondent is not maintainable in absence of any application in this regard. On the other hand, learned A.G. submits that in terms of para 54 of the said judgment, reasons have to be recorded for its extension also and in the present case, no reason was given for such extension.

[62] This Court is of the view that the additional affidavit dated 21.02.2025 filed by the State respondents for vacation/modification of interim order dated 16.12.2020 and subsequent orders can be treated as an application for the said purpose. As such, this Court is hearing the matter on the vacation/modification of the interim orders.

[63] From the Annexures-R/3 & R/4 of the preliminary affidavit dated 21.02.2025 filed by the State respondents, the lists of 39 encroachers i.e. petitioners in two writ petitions i.e. WP(C) Nos. 673 of 2020 & 127 of 2025 are listed with the measurement to be affected in feet along with the satellite map and the same is in the range of 5 to 15 ft.

[64] This Court is conscious of the requirement of development of road for welfare of the general public and also the interest of individual persons. Without expressing any opinion on the pending applications of the petitioners and others for allotment of the land under their possession and also on the question of illegal encroachment, a permission can be granted to the State for development of 30 ft. width road along the eastern side of Imphal River from Sanjenthong to Minuthong in connection with Imphal Smart City Project.

[65] In the circumstances, the proposal for development of 30 ft. width road on eastern side of Imphal River from Sanjenthong to Minuthong is allowed with the following conditions:

- (i) The State authority shall intimate to the petitioners and others the extent of land under their occupation, to be affected by the project for development of 30 ft. width road within 10 days, if not informed earlier.
- (ii) Before demolition of the structures and other standing properties over the affected land, evaluation of standing properties including tree has to be ascertained for compensation be given to the affected parties for the same in accordance with law.
- (iii) After intimating the extent of land required, a notice of 15 days be given to the petitioners and others for demolition and removal of structures and other standing property and for vacating from the affected portion of land for development of 30 ft. width road. On failure to do so, the State authority may take up necessary step for demolition of structures and standing property and eviction of the petitioners and others from the affected portion of land.
- (iv) For property belonging to the internally displaced persons, special care shall be taken by the State respondents in case of demolition, if any, that the remaining portion of the structure is not affected.

[66] With these directions and observations, the interim orders dated 16.12.2020 and 13.03.2025 in WP(C) Nos. 673 of 2020 & 127 of 2025 are modified. However, the petitioners shall not be evicted from the remaining portion of the land under their occupation without the leave of this Court.

[67] It is clarified that the pendency of the present writ petitions and the modification of the interim orders shall not bar the State authority from considering the pending applications for allotment. Other contentions of both parties are left open to be agitated at appropriate stage.

[68] With these observations and directions made in para 65, 66 & 67, interim orders stand modified and list the main cases on **08.07.2025**.

JUDGE

Kh. Joshua Maring