

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

WP(C) No. 599 of 2019

ThangjamLeishang

... *Petitioner*

Vs.

State of Manipur

... *Respondents*

B E F O R E
HON'BLE MR. JUSTICE KH. NOBIN SINGH

31-07-2019

Heard Ms. Th. Babita, learned counsel appearing for the petitioners.

By the instant writ petition, the petitioners have prayed for issuing a writ of certiorari or any other appropriate writ to quash and set aside the Criminal (Compliant) Case No. 35 of 2018 pending before the learned Chief Judicial Magistrate, Thoubal District, Thoubal, Manipur.

The case of the petitioner, in short, is that on 23-02-1966 some lands have been allotted to different persons and the petitioners purchased the said lands in the year 2016 and have been paying revenue taxes. On 29-02-2016, the Survey and Settlement Officer, Manipur published the Draft Record on Rights inviting objections from holders of land and no objection was filed by any person.

The Divisional Forest Officer, Thoubal Forest Division, Forest Department filed a complaint being complaint being Cril. (Complaint) Case No. 35 of 2018 before the Chief Judicial Magistrate, Thoubal District praying for taking cognizance against the petitioners; that a warrant be issued to effect arrest of the petitioners and to direct the petitioners to pay a sum of Rs. 25,38,090/- (rupees twenty five lakh thirty eight thousand and ninety) only and on the basis of the said complaint, a summon was issued to the petitioner No. 1 and on receipt thereof, the petitioner No. 1 came to know that a complaint case had been registered against him.

The grievance of the petitioner is that even though they have purchased the said land from the land allottees, the complaint was lodged

Contd..../-

by the Forest Department by the Divisional Forest Officer, Thoubal Forest Division, Thoubal without any notice being given to the petitioners and without verifying as to whether the land had been allotted to the allottees.

In view of the above, let notice be issued to the respondents, returnable on 28-08-2019.

Ms. L. Monomala, learned Government Advocate accepts notice on behalf of the respondents and hence, no formal notice is called for.

By way of an interim measure, it is directed that the proceedings of the said Criminal (Complaint) Case No. 35 of 2018 pending before the Chief Judicial Magistrate, Thoubal District shall remain stayed.

JUDGE

Devananda