

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

W.A. No. 52 of 2024

State of Manipur; & Anr.

Appellants

Vs.

Rolly Hongam; & Ors.

Respondents

***With
MC (W.A.) No. 99 of 2024***

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA
(ORDER)**

(Order of the Court was made by Mr. M. Sundar, CJ)

27.03.2026

[1] Captioned 'Writ Appeal' ('WA' for the sake of brevity) has been filed in this Court on 15.11.2024 assailing 'an order dated 11.01.2024 made in W.P. (C) No. 403 of 2023 by a Hon'ble Single Bench' (hereinafter 'impugned order' for the sake of brevity and convenience).

[2] The 'two appellants' shall be collectively referred to as 'State' (wherever necessary, specific reference by designation of the Officer will also be made).

[3] '1st respondent' ('R-1' for the sake of brevity) shall be referred to as 'writ petitioner' based on his rank before the Hon'ble Single Bench. '2nd respondent' ('R-2' for the sake of brevity) shall be referred to as 'Central Government' for the sake of convenience, '3rd respondent' ('R-3' for the sake of brevity) shall be referred to as 'BSNL' also for the sake of brevity and convenience.

[4] In the hearing today, Mr. S Niranjan, learned State counsel for appellants (State), Mr. N. Biren Singh, learned counsel for writ petitioner, Mr. S. Kaminikumar, learned Central Government Counsel (CGC) for Central Government and Mr. BR Sharma, learned Central Government Counsel (CGC) for Bharat Sanchar Nigam Limited (BSNL) are before this Court.

[5] Nucleus of the captioned matter is 'land admeasuring 40,000sq. feet or thereabouts (400 ft x100 ft) in Japhow Village now in Chandel District, Manipur' ('said land' for the sake of brevity, convenience and clarity).

[6] Case of writ petitioner is that said land belonged to his late father (late H. Anting Monsang); that on 22.05.1984, said land was donated for the purpose of establishment of Ultra High Frequency Telecommunication Link at Chandel (District Headquarters) on condition that his son (writ petitioner) will be given employment in a Grade-III or Grade-IV post in the Post and Telegraph Department or any other suitable Department; that thereafter State purportedly in exercise of powers under Section 14(2) of 'the Manipur Land Revenue and Land Reforms Act, 1960 (33 of 1960)' (hereinafter 'MLR Act' for the sake of brevity) and Rule 18 of 'the Manipur Land Revenue and Land Reforms (Allotment of Land) Rules, 1962' ('MLR Rules' for the sake of brevity) allotted said land to the Post and Telegraph Department for setting up Ultra High Frequency Telecommunication Link at Chandel under Micro Wave Project; that thereafter alleging that the condition that his son should be given employment has been breached, writ petitioner's father filed a writ petition in W.P. (C) No. 141 of 2003 in the Gauhati High Court, Imphal Bench. It appears that the writ petition was filed with a prayer to direct State to

initiate land acquisition proceedings *qua* said land, this writ petition was disposed of by Hon'ble Gauhati High Court, Imphal Bench in and by order dated 06.01.2011 directing the State to acquire said land as per 'Land Acquisition Act, 1894' (hereinafter 'Central Land Acquisition Act' for the sake of convenience) and make it clear that award should be prepared, it should be borne by Central Government and BSNL and four months time was granted to complete this exercise; thereafter State gave legal quietus to this 06.01.2011 order; not only did State give legal quietus, it also acted as per the order and issued a Notification under Section 4(1) of the Central Land Acquisition Act being Notification dated 23.09.2011; in this Section 4(1) Notification, State has sought to acquire 2.62 acres of land in all (to be noted, this is at variance with 40,000 sq. feet extent) but State has clearly shown writ petitioner's father (H. Angting Monsang, s/o (L) H. Kopham Monsang) as owner of land sought to be acquired and has also described him as 'Chief of Japhou Village'; to be noted, in this Notification, the village is spelt as 'Japhou'; thereafter the State (Deputy Collector) made an order dated 31.07.2012 under Section 9 of Central Land Acquisition Act; be that as it may, this Court is informed that this land acquisition proceedings lapsed; thereafter, writ petitioner's father died on 09.03.2017.

[7] In these circumstances, writ petitioner filed afore-referred W.P. (C) No. 403 of 2023 in this Court *inter alia* with a prayer seeking implementation of afore-referred 06.01.2011 order made in W.P. (C) No. 141 of 2003 and for a further direction to State to pay adequate compensation for land that has already been taken over. After full contest, a Hon'ble Single

Bench disposed of the writ petition *inter alia* directing implementation of 06.01.2011 order within six months. Aggrieved by this order, State is on appeal (intra court appeal) *vide* captioned WA.

[8] The Following points require clarification/inputs;

- (i) MLR Act is clearly a conditional legislation as is evident from sub-section (3) of Section 1. There appear to be multiple Notifications after the enactment. Whether MLR Act has been extended to village in which said land is situate?
- (ii) By a notification dated 25.01.1962, several villages were notified as 'Hill areas' *vide* Section 2 (j) of MLR Act. Serial No. 93 talks about **Japhow** village in Tengnoupal Sub Division but the papers before us refer to the village as **Japhou** village. Whether **Japhow** village and **Japhou** Village are the same?
- (iii) Either way, has MLR Act has been extended/made applicable to the village in which said land is situated?

[9] Faced with the above situation, learned State counsel sought time to get adequate instructions and revert to this Court.

[10] Afore-referred request is acceded to.

[11] List as 'PART HEARD' on 17.04.2026.

JUDGE

Sandeep

CHIEF JUSTICE