

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

O.A. 569/2015/PB/27/2016/EZ

&

M.A. No. 339/2016/EZ

THE POPULAR PISCICULTURE
ASSOCIATION, MANIPUR

VS

STATE OF MANIPUR & Ors

CORAM: Hon'ble Mr. Justice S.P.Wangdi, Judicial Member
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT: Applicant : Mr. N. Jotendro Singh, Advocate
Respondent No. 1 -3 & 6 :Mr. Shubhayu Roy, Advocate
Respondent No. 5 : None

Date & Remarks	Orders of the Tribunal
Item No.16 25 th July, 2016.	<p>Mr. Shubhayu Roy, Id. Counsel for the Respondents No. 1 to 3 & 6 at the outset, refers to paragraph 4 of the rejoinder affidavit wherein it has been stated by the applicant that they shall withdraw writ petition (P) No. 728 of 2012 pending before the Hon'ble Manipur High Court in view of the identical nature of issues involved. He states that despite such undertaking the applicant has failed to do so as a result there are two parallel proceedings pending in two Courts.</p>

Mr. Roy has filed an affidavit sworn by the Deputy Secretary (Revenue), Govt. of Manipur on behalf of the State respondents in pursuance of our order dated 23.05.2016 whereby we had observed that since livelihood of a large number of citizens, who are dependent upon the land in question, which, has not been declared as a wetland as claimed by the applicant, the State Govt. ought to have taken a policy decision to rehabilitate them at some other suitable location notwithstanding the fact that the legitimacy of their occupation on the land has been doubted by the State.

In the affidavit, the State respondents, instead of resolving the issue, have come up with the plea that the applicants claim that they are dependent for their livelihood on pisciculture, cultivation of rice and for cultivation of aquatic edible plants which they are carrying on in the land in question, is totally wrong. Digressing from the observations made by us, it is further stated in the affidavit that the land was allotted by the Revenue Department many years back to the

Regional Institute of Medical Sciences, which has since been in their possession by undertaking developmental works. We are constrained to observe that the affidavit is woefully short of our expectation that the State would act in the manner it ought to act. The object of making an observation in order dated 23.05.2016 was to exhort the State Government to come up with a rehabilitation package without reference to the merit of the case as would be abundantly clear on a bare perusal of the order.

Mr. Shubhayu Roy, Id. Counsel appearing for the State respondents vehemently argues on the question of maintainability of the present application and the applicants not having adhered to the stand taken by them in their rejoinder that they would withdraw the writ petition pending in the Hon'ble Manipur High Court. He has also seriously opposed to the suggestion for providing rehabilitation package for the members of the applicant.

As already observed, we are not going into the question on the technical aspects of the matter raised by Mr. Roy.

Mr. Jotendro Singh, Ld. Counsel for the applicant prays for time to take appropriate steps as would be advised in the matter.

Having regard to the fact that livelihood of a large number of people is involved and the people are the citizens of India belonging to the poor segment of the society, we direct the State respondents to come up with a package for rehabilitating them elsewhere so that they could continue to live. We direct that an affidavit be filed on this within four weeks.

We expect the State of Manipur to act in public interest and not take up technical pleas like an ordinary litigant.

We direct the Secretary, Revenue Department to be present before us with all relevant documents on the next date. Copy of this order be transmitted to the

Chief Secretary, Govt. of Manipur, for compliance.

List on 23.08.2016.

Justice S.P.Wangdi, JM

Prof. (Dr.) P. C. Mishra, EM

