

**COMPLAINT CASE NO. 1 OF 2022**

**22.04.2022**

[1] Perused the office note dated 18.04.2022 of the Deputy Registrar, Manipur Lokayukta. We have also perused the complaint filed by one Lanranglung Gondamei against (i) Shri Armstrong Pame, IAS; (ii) Shri P. Sana Singh Retired MCS; (iii) Shri Robertson Asem, MCS; (iv) Shri Thuankulung Gangmei; and (v) Shri Kh. Lovejoy. The complaint is in proper form and also bears a Court Fee Stamp of Rupees Five and the complainant has deposited a sum of Rs. 1000/- by way of Demand Draft. The complaint is properly verified and supported by duly sworn affidavit in proper form. The complaint also contains a statement in concise form of facts on which the allegation is based.

[2] The concise statement of fact on which allegation is made against the respondents in the complaint is that fund for an amount of Rs. 36,83,62,250.72 (Rupees thirty six crores eighty three lakhs sixty two thousand two hundred fifty and seventy two paisa) only, provided for compensation of the lands and standing properties belonging to the villagers of Marangching affected by the construction Railways Track from chainage No. 98080 to 105419 (137.09 acre) of Jiribam to Toupul in the Makhuam/Marangching Village of the then Tamenglong District and now Noney District, Manipur, has been siphoned out by the Respondent Nos. 4 and 5 by hatching a conspiracy with the respondent No. 1, Shri Armstrong Pame, the then Deputy Commissioner of D.C./Tamenglong and other respondents.

[3] The complainant is an active leader of Makhuam/Marangching Village. It is also stated that there are many

disputes in different Courts regarding the ownership as claimed by the few individuals in respect of hill tracks in Makhuam/Marangching against the Khullakpa and Khunbu, who defended the case on the ground that the village lands belong to a common ownership of Makhuam/Marangching Village. It is also stated that in and around 2010, some individuals started to claim to be having a separate village in the name of Pungmon Village in the north-eastern portion of the said land of Makhuam/Marangching village and also claiming to have a separate village in the name of Kharam Pallen Village in respect of a portion of village land of Makhuam/Marangching village but neither the Government of Manipur nor the office of the Deputy Commissioner, Tamenglong has granted or recognised as separate village before initiation of the land acquisition for construction of railway tracks. Many individuals including Chairman/Khullakpa or khunbu of Makhuam/Marangching village filed different Civil Suits for declaration of their title or ownership of the village land which include the said land acquired for construction of railway track in the different competent Civil Courts and High Court and also several complaint before Judicial Magistrate and Chief Judicial magistrate involving the disputes of ownership of the said land acquired for construction of railway track. Some of the Civil Suits filed in the Civil Courts are :

- (i) Civil Suit being Original Suit No. 1 of 2011 filed by one Gaihoulung Riamei against (a) Thuankulung Gangmei, S/o (L) Makhomchang of Marangching Village Part III, (b) P.G. Gaikhulung S/o Late keibonung, a pastor of Makhaum/Marangching;

- (ii) Civil Suit being O.S. No. 5 of 2010/10 of 2011 filed by (a) GD Lungaiphun, (b) GD Selgonglung and (c) Meingamlung Gondamei against (a) Thuankulung Gangmei, (b) Gaisuilung Gonmei, (c) Hougamlung Gangmei, (d) Gaigonlung, (e) Thaingam Gondamei and (f) Meithanlung;
- (iii) Suit being O.S. No. 6 of 2013/5 of 2014 filed by Kh. Majoreng in the Court of Civil Judge (Sr. Division), Tamenglong against (a) State of Manipur, (b) The D.C./Tamenglong, (c) Shri B. Kungamang of Pungmonchingchen and (d) GD Meithanlung of Marangching; and
- (iv) Suit being O.S. No. 24 of 2014/2 of 2015 filed by Rangla Umsophun of Kharam Pallen against (a) The State of Manipur, (b) DC, Senapati, (c) DC, Tamenglong, (d) Kh. Majoreng of Pungmonchingchen and (e) GD Meithanlung of Makhuam/Marangching.

[4] In spite of the pending of the number of cases before the competent Civil Court, the Respondent No. 2, Shri P. Sana Singh, on the pressure and instigation of some vested individuals, submitted a false, fabricated, vexatious and malicious fake survey report being No. SDO/TML/212/LA-RLY/13 dated 05.02.2015 regarding a purported demarcation of a portion of the land in Makhuam/Marangching village which was to be acquired for laying down of railway tracks, from chainage No. 98080 to 105419 (137.09 acre). One Mr. Dithon Riamei of Makhuam/Marangching Part – III,

filed a representation dated 12.03.2015 addressed to the Secretary (Revenue), Government of Manipur and DC(LA), Tamenglong against the illegal (i) recommendation dated 06.02.2015 of the Deputy Commissioner, Tamenglong under his letter No. DC (TML) 11/370 RLY 09 (TUPUL-IMPHAL) and (ii) preliminary notification No. 4/24/LA/2014-Com(REV)21-02-2015 of the Government, issued under Section 11(1) of RFCTLARR Act, 2013 notifying that the land measuring 137.09 acres describing for the construction of new B.G. railway line between Tupul to Imphal, section of Jiribam-Imphal Project showing the name of Thuankulung Gangmei as the undisputed owner. In spite of the on-going and pendency of the land disputes and the objections between the village leaders and headmen on one side and few villagers on the opposite side regarding the measurement etc., the then Deputy Commissioner/LA, Tamenglong, Shri B. John T Lantinkhuma IAS, on the ground of the necessity to complete urgently, issued an award being No. DC(TML)/11/370(RLY)09(Tupul-Imphal) dated 21.03.2017. In the remark column of the said award it is clearly mentioned that “the ownership of the land is under dispute in the Hon’ble Court and payment of compensation shall be made as per the decision of the Court”. In the said award dated 21.03.2017 prepared by then Deputy Commissioner/LA, Tamenglong, Shri B. John T Lantinkhuma IAS, particulars of the cases pending regarding the ownership of the land before the competent court are not mentioned. It is an undisputed fact that numbers of Title Suits/Civil Suits regarding the ownership of the land acquired for construction of railway track are pending before different Courts between different parties.

[5] Under Section 33 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter refer to as 'Resettlement Act of 2013'), an award could be corrected by the Collector by an order only for correcting any clerical or arithmetical mistakes in either of the awards or errors arising therein either on his own motion or on the application of any person interested or local authority and also that no correction which is likely to affect prejudicially any person shall be made unless such person has been given a reasonable opportunity of making representation in the matter. For easy reference, Section 33 of the Resettlement Act of 2013 is reproduced hereunder :

**“33. Corrections to awards by Collector.– (1) The Collector may at any time, but not later than six months from the date of award or where he has been required under the provisions of this Act to make a reference to the Authority under section 64, before the making of such reference, by order, correct any clerical or arithmetical mistakes in either of the awards or errors arising therein either on his own motion or on the application of any person interested or local authority:**

**Provided that no correction which is likely to affect prejudicially any person shall be made unless such person has been given a reasonable opportunity of making representation in the matter.**

**(2) The Collector shall give immediate notice of any correction made in the award so corrected to all the persons interested.**

**(3) Where any excess amount is proved to have been paid to any person as a result of the correction made under sub-section (1), the excess amount so paid shall be liable to be refunded and in the case of any default or refusal to pay, the same may be recovered, as prescribed by the appropriate Government.”**

[6] Respondent No. 1, Mr. Armstrong Pame, IAS purportedly exercising his power under Section 33 of the Resettlement Act of 2013 illegally and whimsically corrected the said award dated 21.03.2017 by passing virtually new compensatory award dated 15.06.2017 wherein he drastically change the contents of the earlier award dated 21.03.2017 and also replaced the observation in the Remark column of the earlier award dated 21.03.2017 by the new observation, which reads as :

**“The ownership of the land is under dispute and in the Court of Civil Judge (Senior Division) Tamenglong vide Original Suit No. 8 of 2016 in Namronlung Gondaimei & 3 ors Vs The State of Manipur. Payment of compensation shall be made as per the decision of the Court.”**

[6.1] Respondent No. 1 had no power and jurisdiction to correct the earlier award dated 21.03.2017 by passing a new Compensatory Award Order dated 15.06.2017 and it is also really surprising as to how he changed the observation in the Remark Column of the earlier Award dated 21.03.2017 in the manner quoted above. Further, on the very next day i.e. 16.06.2017, Respondent No. 1 passed another Compensation Award dated 16.06.2017 awarding compensations to the tune of Rs. 36,83,62,250.72/- in favour of Respondent Nos. 4 and 5. Cheques were issued hastily after passing the Compensation Award dated 16.06.2017. After knowing quite well that money had already been withdrawn by the Respondent Nos. 4 and 5, Respondent No. 1, Mr. Armstrong Pame, in order to save himself from illegal act of misappropriation of the said huge amount of money by Respondent Nos. 4 and 5, wrote a letter to the bank to freeze the account of Respondent Nos. 4 and 5.

It is alleged in the complaint that the accused/respondents had committed offences punishable under Sections 420, 120-B IPC, Sections 13(1)(a)(b), 13(2) of the P.C. Act read with Sections 84, 85 and 87 of the Resettlement Act of 2013.

[7] On careful consideration of the concise statement of fact basing on which allegations are made against the respondents in the present complaint and supporting documents, we are of the considered view that there exists a prima facie case for Preliminary Inquiry against the Respondents by our Inquiry Wing. Accordingly, for the reasons above stated, Director (Inquiry), Manipur Lokayukta is directed to conduct a Preliminary Inquiry to find out as to whether there exists a prima facie case for investigation. Director (Inquiry), Manipur Lokayukta may entrust the present case for conducting the Preliminary Inquiry for the purpose above stated to any of the police officers attached to the Inquiry Wing of Manipur Lokayukta.

[8] It is made clear that Director (Inquiry), Manipur Lokayukta and his team while conducting the inquiry shall especially keep in view of Sub-sections (1), (2), (3), (4) of Section 20, Section 22, Section 26, Section 28, Section 29, Section 32, Section 36 and other provisions of the Manipur Lokayukta Act, 2014.

[8.1] Section 22 of Manipur Lokayukta Act, 2014 provides the power to ask any public servant or any other person to furnish information or produce documents relevant to such preliminary inquiry. Section 26 of Manipur Lokayukta Act, 2014 provides Manipur Lokayukta the power to search and seize any document which, in its opinion, shall be useful for, or relevant to, any

investigation under this Act, which may be secreted in any place. Section 28 of Manipur Lokayukta Act, 2014 provides Manipur Lokayukta, for the purpose of conducting any preliminary inquiry or investigation, to utilize the services of any officer or organization or investigation agency of the State Government. And, the officer or organization or agency whose services are utilized may, subject to the direction and control of the Lokayukta, — (a) summon and enforce the attendance of any person and examine him; (b) require the discovery and production of any document; and (c) requisition any public record or copy thereof from any office. Section 29 of Manipur Lokayukta Act, 2014 provides Lokayukta to authorise his officer, by order in writing, to provisionally attach such property for a period not exceeding ninety days from the date of the order. Section 32 of Manipur Lokayukta Act, 2014 provides that Lokayukta may recommend to the State Government for transfer or suspension of such public servant from the post held by him till such period as may be specified in the order. Under Section 36 of Manipur Lokayukta Act, 2014, an application can be made to a Special Court by an officer of the Lokayukta authorized in this behalf that any evidence is required in connection with the preliminary inquiry or investigation into an offence or proceeding under this Act and he is of the opinion that such evidence may be available in any place in a contracting State, and the Special Court, on being satisfied that such evidence is required in connection with the preliminary inquiry or investigation into an offence or proceeding under this Act, may issue a letter of request to a court or

an authority in the contracting State competent to deal with such request to -- (i) examine the facts and circumstances of the case; (ii) take such steps as the Special Court may specify in such letter of request; and (iii) forward all the evidence so taken or collected to the Special Court issuing such letter of request.

[8.2] Attention of the Inquiry Officer is invited to Section 20(3) and 20(7) of the Manipur Lokayukta Act, 2014 which speak of more than one report and this provision is especially relevant for the Lokayukta to exercise its powers under Chapter VIII (Powers of Lokayukta).

[9] The Inquiry Officer shall also look into the other provisions of Manipur Lokayukta Act, 2014 for exercising his power and jurisdiction for conducting a proper Preliminary Inquiry and shall submit the same within the period prescribed under Section 20(2) and 20(4) of the Manipur Lokayukta Act, 2014.

[10] Deputy Registrar, Manipur Lokayukta is directed to furnish a copy of the order along with a copy of the complaint and other relevant documents to the Director (Inquiry), Manipur Lokayukta within 3 (three) days.

Sd/-  
**MEMBER**

Sd/-  
**CHAIRPERSON**