

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

PIL No. 16 of 2024

Shri RK. Joysana Singh & Anr.

...Petitioners

- Versus -

State of Manipur & 20 Ors.

...Respondents

B E F O R E

**HON'BLE THE CHIEF JUSTICE MR. SIDDHARTH MRIDUL
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU KABUI**

ORDER

18-11-2024

Siddharth Mridul (C.J.),

Mr. M. Hemchandra, learned senior counsel assisted by Mr. Rendy Maibam, learned counsel, appear for the petitioners.

The instant public interest litigation instituted under Article 226 of the Constitution of India inter alia prays for the issuance of a writ in the nature of mandamus or any other appropriate writ/order/direction to the respondents to maintain the State machinery to perform their bounden duty as enshrined under the Constitution of India and to maintain law and order; protect the lives of innocent citizens as well as discharge the State function to protect and uphold the rule of law as well as law and order thereby protecting lives of the citizens of the State.

Mr. M. Hemchandra, learned senior counsel appearing on behalf of the petitioners, limits the relief in the present writ petition to prayer clause (iii) at page 14 which reads as follows:—

“In the premises above stated, it is therefore, prayed that Your

Lordships' be gracious enough:—

- (i)
- (ii)
- (iii) *To issue a writ in the nature of Mandamus or any other appropriate writ/directions/orders, directing the respondents to take effective measures and action in performing their bounded duty in maintaining law and order, protecting lies of the citizen and for the ends of justice.*
- (iv)
- (v)
- (vi)
- (vii)
- (viii)”

Mr. M. Hemchandra, learned senior counsel, further invites our attention to the decision of the Hon'ble Supreme Court in ***National Human Rights Commission vs State of Arunachal Pradesh & Anr reported as AIR 1996 Supreme Court 1234*** and in particular paragraphs 20 and 21 thereof which are reproduced hereinbelow for the sake of completeness:—

“20. We are a country governed by the Rule of Law. Our Constitution confers certain rights on every human being and certain other rights on citizens. Every person is entitled to equality before the law and equal protection of the laws. So also, no person can be deprived of his life or personal liberty except according to procedure established by law. Thus the State is bound to protect the life and liberty of every human-being, be he a citizen or otherwise, and it cannot permit anybody or group of persons, e.g., the AAPSU, to threaten the Chakmas to leave the State, failing which they would be forced to do so. No State Government worth the name can tolerate such threats by one group of persons to another group of persons; it is duty bound to protect the threatened group from such assaults and if it fails to do so, it will fail to perform its Constitutional as well as statutory obligations. Those given such threats would be liable to be dealt with in accordance with

law. The State Government must act impartially and carry out its legal obligations to safeguard the life, health and well-being of Chakmas residing in the State without being inhibited by local politics. Besides, by refusing to forward their applications, the Chakmas are denied rights, Constitutional and statutory, to be considered for being registered as citizens of India.

21. *In view of the above, we allow this petition and direct the first and second respondents, by way of a writ of mandamus, as under:—*

(1) the first respondent, the State of Arunachal Pradesh, shall ensure that the life and personal liberty of each and every Chakma residing within the State shall be protected and any attempt to forcibly evict or drive them out of the State by organised groups, such as the AAPSU, shall be repelled, if necessary by requisitioning the service of para-military or police force, and if additional forces are considered necessary to carry out this direction, the first respondent will request the second respondent, the Union of India, to provide such additional force, and the second respondent shall provide such additional force as is necessary to protect the lives and liberty of the Chakmas;

(2) except in accordance with law, the Chakmas shall not be evicted from their homes and shall not be denied domestic life and comfort therein;

(3) the quit notices and ultimatums issued by the AAPSU and any other group which tantamount to threats to the life and liberty of each and every Chakma should be dealt with by the first respondent in accordance with law;

(4) the application made for registration as citizen of India by the Chakma or Chakmas under [Section 5](#) of the Act, shall be entered in the register maintained for the purpose and shall be forwarded by the Collector or the DC who receives them under the relevant rule, with or without enquiry, as the case may be, to the Central Government for its consideration in accordance with law; even returned applications shall be called back or fresh ones shall be processed and forwarded to the Central Government for consideration;

(5) while the application of any individual Chakma is pending consideration, the first respondent shall not evict or remove the concerned

person from his occupation on the ground that he is not a citizen of India until the competent authority has taken a decision in that behalf; and

(6) the first respondent will pay to the petitioner cost of this petition which we quantify at Rs.10,000/- within six weeks from today by depositing the same in the office of the NHRC, New Delhi.”

Issue notice.

Mr. H. Debendra, learned Dy. Advocate General, accepts notice on behalf of respondent Nos. 1 to 20 and Mr. W. Darakeshwar Singh, learned Sr. PCCG, accepts notice on behalf of respondent No. 21 respectively and pray for time to file reply.

In view of the exigency of the prevailing situation, the respondents are directed to file affidavits-in-reply within four days from today after providing advance copy to the learned counsel appearing on behalf of the petitioner, who may file rejoinder affidavit thereto, if any, before the next date of hearing.

List on 25-11-2024.

The Registry is directed to supply copy of this order to the learned counsel appearing on behalf of the parties through dasti.

JUDGE

CHIEF JUSTICE

Victoria