

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

PIL No.8 of 2025

Meeyam Amata Oina Punsinba Lup.

Petitioner

Vs.

The State of Manipur & 2 Ors.

Respondents

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. KEMPAIAH SOMASHEKAR
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

(ORDER)

(K. SOMASHEKAR, C.J.)

16.06.2025.

[1] This PIL has been initiated by the petitioner keeping in view Article 226 of the Constitution of India, and whereby in this writ petition seeking for intervention and also seeking some sort of reliefs as follows:

(i) call for records and issue rule-nisi calling upon the respondents to show cause as to why the prayer prayed for by the petitioner shall not be granted;

(ii) to direct the respondents to stop the illegal execution of the construction of work rejuvenation of Lamphelpat Waterbody to alleviate urban flooding providing sustainable water resources for Imphal city and promoting Eco-Tourism as such there is negligence on the part of the technical staff and the contractors in violation of the dumping procedure for removing of the muds and clays at the time of execution of the said project;

(iii) to direct the respondents authority more particularly Commissioner, Water Resources Department, Government of Manipur for causing

remedial action under Section 24 of the Disaster Management Act, 2005 preventing against the flash flood due to the dumping of large quantity of muds and clays in and around Lamphelpat waterbody, deposited at the time of the construction of the work rejuvenation of Lamphelpat waterbody to alleviate urban flooding providing sustainable water resources for Imphal city and promoting Eco-Tourism,
(iv) to direct the respondents authority for providing a temporary space for Rehabilitation Centre at the time of flood to family members who are settled in and around the Lamphelpat area.

[2] Heard the learned counsel for the petitioner, Mr. L. Shyam and also learned AG, Lenin Hijam, assisted by Mr. I. Amri for the State in this matter.

[3] Whereas, the learned counsel for the petitioner in this matter submitted that the petitioner is an association namely Meeyam Amata Oina Punsinba Lup (MAPUL) being registered No. 494/ID of 1988(M) dated 04-08-1988 represented by its secretary namely Kshetrimayum Ratan Meitei, aged about 45 years, but the said Association has been established with the main objective to promote the persons who are socially or economically disability, economically disadvantageous position and for the protection of the environment. It is stated that the petitioner has no personal interest in the litigation and the petition is not guided by self-gain or for gain for any other persons/ institutions/ body and there is no motive other than of Public Interest for filing the Public Interest Litigation petition. In support of all his contentions, the petitioner has facilitated the documents as Annexures A/1, A/2, A/3, A/4, A/5 and A/6.

[4] In para 12 of this Public Interest Litigation and wherein it has taken contention that it is also important to mention that the purpose of

the present Rejuvenation Project is in the interest of the environment and to overcome the damage already caused to the environment due to the deposition of clays and muds coming from the Langol Hills which are deposited in the Waterbody in every rainy season, the same has been stated in para 12.

[5] Whereas in para 13, it stated as that regarding the flood in the rainy season the entire rain water are required to be discharged through the water canal from Lamphelpat through Samushang and discharged to the Nambul River, the same has been stated in para 13.

[6] Whereas in para 14, it is indicated that another aspect which required the Rejuvenation of Lamphelpat waterbody are erosion takes place at various places due to more velocity during the rainy season whereas in the prayer column of this Public Interest Litigation indicating that to direct the respondent authority more particularly Commissioner, Water Resource Department Government of Manipur for causing remedial action under section 24 of the Disaster Management Act, 2005 preventing against the flash flood due to the dumping of large quantity of muds and clays in and around Lamphelpat waterbody, deposited at the time of the construction of the work rejuvenation of Lamphelpat waterbody to alleviate urban flooding providing sustainable water resources for Imphal city and promoting Eco-Tourism. Keeping in view all the aforesaid prayers as sought for by the petitioner in the nature of Public Interest Litigation are concerned, it is deemed appropriate to refer the Site Inspection Report, wherein the said Site Inspection Report consisting of

paras No. 1(1.1,1.2); 2(2.1,2.2,2.3, 2.4. 2.5,2.6), 3(3.1,3.2,3.3,3.4); 4; 5 and 6 inclusive of other vital documents with the signatures of the concerned officials have been produced before the court by the respondents for perusal. The Site Inspection Report is reproduced as under:

SITE INSPECTION REPORT

1. Background

1.1 *The Hon'ble High Court of Manipur, double bench has taken up the matter of public interest litigation vide PIL No. 8 of 2025 (Meeyam Amata Oina Punsiba Lup -Vs- The State of Manipur & Ors) filed by Meeyam Amata Oina Punsiba Lup (MAPUL), challenging the illegal executive of the construction of work related to Lamphelpat Waterbody Rejuvenation Project. The Hon'ble High Court of Manipur directed The Chief Engineer, Water Resources Department, Manipur, to inspect the subject matter of execution of work and file a report before the Hon'ble Court regarding the allegation made in the representation dated 22-03-2025.*

1.2 *In compliance to the Hon'ble High Court directions, the Water Resources Department vide order No. 8, dated 30-04-2025 (Copy enclosed as **Annexure-I**), have conducted an extensive site inspection of the works being executed under Lamphelpat Waterbody Project on 02-05-2025.*

2. Details of the dredging work being executed under the project

2.1 *The Lamphelpat waterbody project has been framed with the main objective to mitigate flood through Integrated Flood Risk Management and at the same time to address the water security of Imphal city. One of the major activities under the project is the development of waterbody for an area of around 300 acres. The work involves dredging of the area at the same time pumping the dredge earth at the designated location for settlement.*

2.2 *For the execution of these work, work contract was awarded to the firm M/s Reach Dredging Ltd vide work order no. EE/EMD/WB-WO/2023-24 dated 09-11-2023. The contract period is 2 years.*

2.3 *The dredging of work is being executed by using a specialized equipment i.e., Cutter Suction Dredging Machine (CSD 450). The equipment through its cutter head loosens the soil, suck it up in the form of slurry and transport it to the designated*

disposal site via pipelines. The execution of the dredging work has the following stages:

- Stage I - Prior to disposal of the slurry, the disposal site is being prepared using dykes to contained the slurry inside the disposed area.
- Stage II - Depending of the nature of dyke, the dykes are strengthened with either bamboo mat with bamboo pile/geotextile-sheets/HDPE geo-membrane sheet/other sheets.
- Stage III - The sediment particles of the slurry are allowed to settle inside the dyke area and the excess water is drain out using outlet pipes and peripheral drains are constructed around the dyke area to collect the drained water again towards the waterbody area again.
- Stage IV - The disposed area normally solidifies within 4 to 6 months. If required, disposed area may be compacted using compaction equipment.

2.4 In order to check the quality of the dredge water and dredge soil, regular testing is being done through certified agency/institutes. The dyke is being monitored round the clock for any damages during the pumping period.

2.5 The dredge earth is being dumped at these following dump areas after formal communication and understanding with the landowners/authorities (Details enclosed as Annexure-A1-A6).

- (a) Vacant area of National Institute of Technology (NIT) Campus.
- (b) Vacant area of RIMS, Imphal Campus.
- (c) Area of Manipur Baseball Patronizing Association.
- (d) Area of Manipur Horse Riding & Polo Association.
- (e) Vacant Area of Central Agricultural University (CAU), Imphal.
- (f) Vacant Low-lying area of Ayush Hospital.
- (g) Within the project area for the development of Green Belt, Kombirei (Lamphel pat ki Kombirei) park, grazing field for the pony and other animals.
- (h) Vacant Low-lying area of PHED Sewage Project Campus.

2.6 For effective monitoring of the project execution, a third party project monitoring & Supervision Consultant, WAPCOS Ltd, a PSU owned by Ministry of Jal Shakti is being deployed by Water Resources Department under the Project.

3. Observation and Finding during the site visit

3.1 Officials of Water Resources Department Headed by Chief Engineer along with official of WAPCOS Pvt. Lt. and M/s Reach Dredging Ltd visited the project site on 02-05-2025.

3.2 The team inspected the following 12 (twelve) numbers of disposal dyke sites where ongoing disposal works are in progress.

Sl. No.	Dyke	Area	Location Details
a)	Disposal Dyke No.1	16	Inside NIT Western adjacent to Meitei Langol Village in the North-Western side
b)	Disposal Dyke No.2	87	Inside NIT Wester Campus adjacent to NIT Boys Hostel
c)	Disposal Dyke No.3	65	Inside NIT eastern Campus adjacent to NIT Girls Hostel (in Western side); Shija Hospital & Langol Lai Manai (in North-Western side)
d)	Disposal Dyke No.4	41	Inside NIT eastern Campus adjacent to Tarung Village(in Eastern Side)
e)	Disposal Dyke No.5	31	Baseball and Polo Campus situated at Easter side of NIT campus
f)	Disposal Dyke No.6	8	Ayush Hospital Campus situated at eastern side of waterbody
g)	Disposal Dyke No.7	49	Project Green Belt area
h)	Disposal Dyke No.8	24	PHED campus
i)	Disposal Dyke No.10	36	RIMS Northern Campus
j)	Disposal Dyke No.11	13	
k)	Disposal Dyke No.12	46	Project Greenbelt area
L)	Disposal Dyke No.14	4	Project are

3.3 The following observations were recorded during the site visit.

- (a) The firm have constructed all peripheral drain network as shown in the map enclosed as **Annexure-B**.
- (b) All the disposal area dykes have been constructed with adequate width and height, protection of dykes with bamboo mats and geo – HDPE geo-membrane sheet are found in most of the dykes. (**Enclosed photo no.1/1,1/2**)
- (c) Proper excess drain outlets are provided for all the dykes. (**Enclosed photo no. 2**)

- (d) *Peripheral drains constructed around the dyke area were checked. Re-sectioning and cleaning of the drains have been completed by the firm. (Enclosed photo no.3)*
- (e) *Peripheral drains in the Northern side of dyke 3 inside the NIT Campus are constructed and maintained at appropriate depth, as of now these drain carries all the runoff water from the surrounding local population situated in the Northern side of the dyke. (Enclosed photo no.4/1,4/2,4/3,4/4)*
- (f) *The Chief Engineer (WRD) have instructed the firm to continue monitoring of the drains for any blockage during the monsoon season so that immediate remedial measures can be addressed.*
- 3.4 *During the site visit all the water, soil & ambient air & noise testing report collected for the work were checked. As per the reports the following observation are concluded.*
- (a) *Testing were conducted through 3 (three) different ISO certified Agencies viz.,*
a) SRIC, Manipur Technical University, Manipur; Prodcontrol (India) Private Limited, Kolkata; Envirocon, Assam (copy enclosed as Annexure C).
- (b) *As per testing report, there is no case of soil contamination.*
- (c) *The Turbidity of the soil is on the higher side; this is expected as the dredging work is in progress and it involves cutting of earth.*
4. *Further, provision for pumping of flood water from the Lamphel pat water body to the Nambul River through Shamushang Nalla during high flood season is currently in active at shamushang station.*
5. *This year populations of migratory birds have increased as recorded by official teams of forest and wildlife department who have visited the Lamphel pat water body area for the census of the birds. The reason has been credited due to the increase of water spread area of Lamphelpat waterbody as a result of the project and the report was published in national newspaper. (copy enclosed as Annexure- D/1,D/2).*
6. *Disposal Dyke 1, 4, 5, 11, 12 & 14 are already solidified and cattle grazing inside the filled up area was visible during the site visit (Enclosed photo no. 5/1,5/2).*

[7] Therefore, keeping in view the aforesaid report in detail as submitted by the authorities in this Public Interest Litigation are concerned, it is deemed appropriate to refer to the Article 14 of the Constitution of India i.e. equality before law. The concept of equality is a

positive concept. Court can command the State to give equal treatment to similarly situated persons but cannot issue a mandate that the State should commit illegality or pass wrong order because in another case such an illegality has been committed or wrong order has been passed. Article 14 cannot be invoked for perpetuating irregularities or illegalities, the same has been in detail rendered in the case of *Usha Mehta v. Government of Andhra Pradesh*, 2012.

[8] Whereas Article 21 of the Constitution of India, it revealed as protection of life and personal liberty. No person shall be deprived of his life or personal liberty except according to procedure established by law. Article 21 of the Constitution in its expansive meaning encompasses various rights of elderly persons/ senior citizens such as right to dignity, right to health, right to adequate pension and right to shelter. There is need to continuously monitor implementation of rights of elderly persons/ senior citizens. Extensively addressed the issue by the Hon'ble Supreme Court of India in judgement of *Ashwani Kumar v. Union of India Writ Petition (C) No. 193 of 2018*, decided on 18.12.2018.

[9] Whereas Article 226 of Constitution of India relating to the writs, the jurisdiction of High Court under Article 226 of the Constitution, which is essentially an equity jurisdiction, should not be exercised in favour of a person who approaches the Court after long laps of time and no cogent explanation is given for the delay. However, no hard and fast rule can be laid down or a straight-jacket formula can be adopted for deciding whether or not the High Court should entertain a belated petition

filed under Article 226 of the Constitution and each case must be decided on its own facts and this issue has been addressed by the *Hon. Supreme Court of India in judgment of Bangalore City Co-operative Housing Society Ltd. v. State of Karnataka, 2012 AIR (SC) 1395* whereas Public Interest Litigation is a proceeding in which an individual or group seeks relief in the interest of the general public and not for its own purpose; *S.P. Gupta v. Union of India, reported in AIR 1982 SC 149*; *D.C. Wadhwa v. State of Bihar, reported in AIR 1987 SC 579*; *Ratlam Municipality v. Vardichand, reported in AIR 1980 SC 1622*.

[10] Therefore, keeping in view the reliance which has been rendered by the Hon'ble Supreme Court of India as well as the Site Inspection Report in detail which is stated supra and also keeping in view the aforesaid Articles of the Constitution are concerned, it is deemed appropriate to state that there is no substance in the contentions made by the learned counsel for the petitioner for seeking intervention by filing the instant writ petition in the nature of PIL and hence, this PIL does not survive for consideration of all the prayers sought for by the petitioner.

[11] In view of the above reasons and findings, this PIL is disposed of.

JUDGE

CHIEF JUSTICE

John Kom