

(2021) 01 MAN CK 0017
In the Manipur High Court
Case No : Writ Petition (C) No. 8 Of 2021

Kshetrimayum Tombi Singh

APPELLANT

Vs

State Of Manipur

RESPONDENT

Date of Decision : 06-01-2021

Acts Referred:

Citation : (2021) 01 MAN CK 0017

Hon'ble Judges : MV Muralidaran, J

Bench : Single Bench

Final Decision : Disposed Of

Judgement

I heard Mr. N. Surendrajit, Ld. counsel for the petitioner and Mr. H. Samarjit, Ld. GA who takes notice for respondent No.1 and no formal notice is required.

[2] Both the counsels agreed for disposal of the writ petition in the admission stage itself.

[3] Admittedly, the writ petitioner has filed a Revenue Appeal on 11.12.2020 against the order dated 05.12.2020 passed by the Learned Sub-Divisional

Officer, Lamphel, Imphal West in Eviction Case No.27 of 2019.

Â [4] Once the appeal has been filed by invoking the provision under the appropriate Act, it is the duty of the writ petitioner to approach the Appellate

Court and proceed the case and obtain the appropriate order.

[5] Mr. N. Surendrajit, Ld. counsel for the petitioner represented that though the appeal has been filed on 11.12.2020 and due to the absence of the

Revenue Commissioner, the appeal has not been taken up, but in the meantime, the present impugned order dated 30th December, 2020 has been

passed by the Ld. Sub-Divisional Officer, Lamphel, Imphal West in Eviction Case

No.27 of 2019.

[6] Therefore, the writ petitioner has approached this Court challenging the order dated 30.12.2020 passed by the Ld. Sub-Divisional Officer,

Lamphel, Imphal West by way of this writ petition.

[7] It is my absolute view that once the appeal is filed against the order passed by the Sub-Divisional Officer on 05.12.2020, the writ petitioner ought

to have approached the Appellate Forum and proceed the case, but due to the absence of the Revenue Commissioner, he could not get the order. In

the meantime, the Sub-Divisional Officer, Lamphel, Imphal West has passed order dated 30.12.2020 in Eviction Case No.27 of 2019.

[8] Therefore, without going into the merits and demerits of the writ petitioner's case, I am inclined to pass the following orders:-

a) the writ petition is disposed of;

b) the 1st Respondent, Revenue Commissioner is directed to take up the appeal filed by the petitioner on 11.12.2020 and dispose the same in

accordance with law within a period of 3(three) months from the date of receipt of copy of this order;

c) in the meantime, the impugned order dated 30.12.2020 passed by the Ld. Sub-Divisional Officer, Lamphel, Imphal West is suspended for a period

of 2(two) weeks from the date of receipt of copy of this order;

d) the petitioner is directed to work out the remedy in the appeal thereafter;

[9] With the above directions, the writ petition is disposed of.

[10] Registry is directed to issue copy of this order to both the parties through their whatsapp/e-mail.