

(2019) 09 MAN CK 0040

In the Manipur High Court

Case No : Civil Revision Petition (CRP ART. 227) No. 25 Of 2018

Laishram Joykumar Singh

APPELLANT

Vs

Sanjenbam Ningol Angom Ongbi Premlata And Others

RESPONDENT

Date of Decision : 25-09-2019

Acts Referred:

Manipur Land Revenue And Land Reforms Act, 1960 — Section 81(2), 95

Citation : (2019) 09 MAN CK 0040

Hon'ble Judges : Ramalingam Sudhakar, CJ

Bench : Single Bench

Advocate : T. Rajendra, Peter Kapai

Final Decision : Allowed

Judgement

Ramalingam Sudhakar, CJ

[1] Heard Mr. T. Rajendra, learned counsel appearing for the petitioner and Mr. Peter Kapai, learned counsel appearing for the respondents.

[2] The impugned order dated 21.04.2018 passed in Revenue Revision Case No. 19 of 2018 (Annexure-A/7) reads as follows :

"ORDER

Dated 21/04/2018

This is a revision preferred against Dem. Order passed in Dem. Case No. 37/SDC/IW(K) Dated 17-04-2018 by the Ld. Sub-Deputy Collector, Konthoujam.

Heard the Ld.moving counsel perused the impugned order. The petitioner has challenged the impugned order on the grounds among others that it was passed without following due process of law in that Case. I see grounds for going into the question of legality and propriety of the impugned order.

Hence, revision is admitted. Register it as Revenue Revision Case.

Issue notice to the Respondent. Call for the records.

Fix 18-05-2018 for appearance and records.

In the meantime, the operation of the impugned order, to the extent of the petitioner's alleged patta land as shown in the jamabandi filed with the petition is stayed.

Petitioner is to take steps."

[3] The above impugned order dated 21.04.2018 is challenged by the present civil revision petitioner/respondent before the Revenue Tribunal, primarily pleading that there was no impugned order filed by the respondents herein / petitioners before the Revenue Tribunal in Revenue Revision Case No. 19 of 2018, so as to enable the Revenue Tribunal to either hear the matter or to grant interim order.

[4] In this regard, Mr. T. Rajendra, learned counsel appearing for the petitioner, refers to application of Revenue Revision Case No. 19 of 2018 [Annexure-A/6] to point out that the prayer in the revenue revision case itself does not disclose any particular impugned order. For better clarity, the same is extracted below:

IN THE MATTER OF:

A Revision Petition under Section 95 read with 81(2) of the M.L.R and L.R. Act, 1960 praying for setting aside the impugned order passed in Dem. Case No. 37/SDC/IW (k) of 2018 in the Court of the Sub-Deputy Collector, Konthoujam in respect of homestead land under patta No. 331/246/660 (O) corresponding to New Patta No. 924/929 which is covered by C.S. Dag No. 1181/1186 measuring an area of .045 acres of Ingkhol class situated at village No. 910 Awang Phoiing.

[5] Further, it is also stated by Mr. T. Rajendra, learned counsel appearing for the petitioner that in the first paragraph of revenue revision case No. 19 of 2018 also, it refers to an order without a particular order number or a date. Para 1 of Revenue Revision Case No. 19 of 2018 is as follows:

1. That, the present revision petition is directed against the order passed in Dem. Case No. 37/SDC/IW (K) of 2018 of the Ld. Sub Deputy Collector, Konthoujam.

[6] On this preliminary plea, the present civil revision petition has been filed.

[7] The primary case is one Demarcation case filed by the present civil revision petitioner before the SDC, Konthoujam, and the respondents herein moved the Revenue Tribunal without reference to any specific impugned order. Therefore, it is pleaded by the civil revision petitioner that the Revenue Tribunal ought not have passed the interim order against a non-existent order.

[8] Respondents were noticed and appeared through learned counsel, Ms. Pinky, who seeks time to file counter affidavit and later endorsed that she will not file counter affidavit and wanted to argue the matter on merits. Thereafter, on several occasions, the case was adjourned. On previous occasion, she was asked

to state as to what is the order number and date of the impugned proceeding before the Revenue Tribunal. She took time to get instruction.

[9] Today, Mr. Peter Kapai, learned counsel appears for the respondents and states that he leaves it to the Court to pass an appropriate order making it apparent that the respondents have nothing to state in response to the plea made by the revision petitioner.

[10] A perusal of the interim order passed by the revenue tribunal and the application filed by the respondents in Revenue Revision Case No. 19 of 2018, it is clear that it has been filed without reference to any specific order number or date which is said to have been passed by the SDC, Konthoujam. Therefore, the interim order dated 21.04.2018 passed by the Revenue Tribunal in Revenue Revision Case No. 19 of 2018 appears to be without application of mind and erroneous.

[11] As a result, the civil revision petition stands allowed. Order dated 21.04.2018 passed in Revenue Revision Case No. 19 of 2018 is set aside and the Revenue Tribunal is directed to take up the case and call upon the present respondents / petitioners in Revenue Revision Case No. 19 of 2018 to produce the correct order for taking up the Revenue Revision Case No. 19 of 2018 and thereafter, proceed in accordance with law.

[12] Civil revision petition stands allowed as above.