

(2005) 01 GAU CK 0044
In the Gauhati High Court

N.Maipakpi Devi and Ors.

APPELLANT

Vs

State of Manipur and Ors.

RESPONDENT

Date of Decision : 14-01-2005

Acts Referred:

Citation : (2005) 01 GAU CK 0044

Hon'ble Judges : M.B.K.Singh, J

Bench : Single Bench

Advocate : Th.Ibohal Singh, N.Kumajit Singh, Chanchal, Ashinikumar, Advocates appearing for Parties

Judgement

1. In this writ petition, the petitioners, who are 8(eight) of the village members of the Imphal West Zilla Parishad, are praying mainly for directing the Chief Executive Officer of the said Parishad to perform his duty and execute the proceedings of the Special Meeting said to have been held on 25/10/2004 pursuant to the notification issued by the Adhyaksha u/s 57(4) of the Manipur Panchayat Raj Act, for consideration of noconfidence motion against the Adhyaksha and UpAdhyaksha of the said Zilla Parishad.

2. Heard Mr. Ashinikumar, learned counsel assisted by Manipur State Cooperative Union/Society. Chanchal, learned counsel appearing on behalf of the petitioners, Mr. Th Ibohal Singh, learned Addl. GA appearing on behalf of the state respondents and Mr. N. Kumarjit, learned counsel of the private respondents who have filed the Writ Petition(c) No. 1062/2004.

3. There is no dispute that in pursuance of the noconfidence notice dated 18/10/2004 made by the present private respondents as against the Adhyaksha and UpAdhaksha of the said Parishad, the Chief Executive Officer of the Zilla Parishad, vide notice No.1/1/IWZP/NC/04/124 dated 18/10/2004, notified and convened the special meeting of the parishad to be held on 25/10/2004 at 11 a.m. for consideration of the said noconfidence motion. There is however dispute regarding the fact if the said special meeting was held or not on the said day.

According to the petitioners, despite absence of the concerned requisitionists on the said day at the relevant time and despite unwarranted interference by writing a letter dated 23/10/2004 by the Joint Secretary (RD & PR) to the Chief Executive Officer of the Zilla Parishad asking the latter to cancel the special meeting (AnnexureA/6) beyond the purview of the relevant Act, it was held on 25/10/2004 and after due deliberation, the noconfidence was not carried through.

4. According to the petitioners, the said letter dated 23/10/2004 written by the Joint Secretary (RD & PR) is an illegal interference in the functioning of the Zilla Parishad and the Chief Executive Officer of the Zilla Parishad is legally bound to act and proceed according to the resolution passed in the said special meeting.

5. In any case, the question if the Chief Executive Officer of the said Zilla Parishad is to be directed to perform his duty and execute the proceedings of the said alleged special meeting is to be considered only after ascertaining that the said special meeting was in fact held on 25/10/2004 as claimed by the writ petitioners. The present writ petitioners have not produced any reliable materials in this connection. It is to be noted that the case of the writ petitioners of W.P.(c) No. 1062 of 2004, who are the private respondents in the present case, is that no meeting was held on the said date. The learned counsel of the present writ petitioners produces a copy of the alleged resolution taken in the said meeting but no explanation is given as to why it was not filled along with the writ petition. It is not safe to rely on the said copy of the resolution for holding that the special meeting was, in fact, held on 25/10/2004. Mr. Th Ibohal, learned Addl. G.A. appearing on behalf of the state respondents, submits that there is no any information on the part of the state respondents about holding of any special meeting on the said date i.e., 25/10/2004. It is also already seen that there is dispute in respect of the said fact in W.P.(c) No.1062/2004. According to the present private respondents, who are the writ petitioners of W.P.(c) No.1062/2004, in pursuance of a negotiated settlement amongst the elected members, they withdrew the said notice of noconfidence and the fact was informed to the Adhyaksha and the Secretary/Commissioner (RD & PR), Govt. of Manipur.

6. In view of the dispute question of fact about holding of the special meeting on the said day for consideration of the said noconfidence motion and in the absence of reliable materials to show the said fact, there is no need of proceeding any further with the present writ petition. Having regards to all the relevant considerations, this writ petition is also rejected. In view of the above disputed question about holding of special meeting, there is no need of considering the remaining point alleged by the petitioners. This petition stands disposed of.