
(2021) 04 MAN CK 0022
In the Manipur High Court
Case No : Writ Appeal No. 29 Of 2021

W. Ranchong

APPELLANT

Vs

State Of Manipur

RESPONDENT

Date of Decision : 28-04-2021

Acts Referred:

Citation : (2021) 04 MAN CK 0022

Hon'ble Judges : Sanjay Kumar, J; Lanusungkum Jamir, J

Bench : Division Bench

Advocate : Julius Riamei, M. Rarry, Serto T. Kom

Final Decision : Disposed Of

Judgement

Sanjay Kumar, CJ

[1] Heard Mr. Julius Riamei, learned counsel for the appellant, Mr. M. Rarry, learned Additional Advocate General, Manipur for the authorities, and

Mr. Serto T. Kom, learned counsel for the third respondent.

[2] The petitioners in W.P.(C) No. 911 of 2018 are the appellants. By judgment and order dated 25.03.2021, a learned Judge of this Court allowed the

said writ petition but the petitioners therein preferred this appeal aggrieved by certain directions issued by the learned Judge, requiring the State

Government to take a policy decision in the matter within a time frame.

[3] The prayer in the appellants' writ petition was two-fold: Firstly, they challenged the order dated 06.05.2008 passed by the Additional Deputy

Commissioner, Kangpokpi District, appointing the third respondent herein as the GB/Chairman of Irang Part I Villages; and secondly, they sought

a declaration that the third respondent and the persons he represented were their tenants and of their respective villages.

[4] The appellants, 7 (seven) in number, claimed to the chairmen of various villages in Senapati and Kangpokpi Districts of the State of Manipur.

According to them, Thonglang Akutpa Village, Thonglang Atongba Village and Chawangkening Village are under Irang Part-I cluster of villages while

Tapon Naga Village, Tapon Namsuan Village, Makui Village and Harup Naga Village were under Irang Part-II cluster of villages. They further

claimed that the Nepalese who were living in certain blocks of the aforesaid villages were their tenants. While so, the order dated 06.05.2008 was

passed by the Additional Deputy Commissioner, Kangpokpi, appointing the third respondent as the GB/Chairman of Irang Part-I Villages. They

claimed that they came to know of this order long thereafter, when the third respondent produced it in the course of the suit proceedings initiated by

him in O.S. No. 2 of 2018 on the file of the learned Civil Judge (Junior Division), Kangpokpi.

[5] By the judgment and order under appeal, the learned Judge restricted the scope of the judicial review in the writ petition only to the question of

whether the Additional Deputy Commissioner, Kangpokpi, had authority to issue such an appointment order. The learned Judge noted that the term

“GB” stood for the Hindi words “Gaon Bada”, viz., “Village Headman”, and held that there was no source of power whereby the

Additional Deputy Commissioner, Kangpokpi, could have undertaken the exercise of appointing the third respondent to such a post. Holding that the

said order of the Additional Deputy Commissioner, Kangpokpi, was null and void ab initio, the learned Judge opined that the delay and laches on the

part of the writ petitioners had no adverse impact on their claim. The learned Judge further noted that he would not go into the disputed questions of

fact with regard to the status of the parties and left it open to them to approach the appropriate forum for redressal of their grievances in that

regard.

[6] The learned Judge further noted that there was no local body either in the form of a Panchayat or a Village Authority at Irang Part-I and Part

II Villages and observed that the State Government would have to look into the issue as to whether a Panchayat or a Village Authority had to be

constituted as per law. The Learned Judge accordingly set aside the impugned order dated 06.05.2008 and further directed the State Government to

take a policy decision at the earliest possible, and preferably within 3 (three) months, as regards constitution of a Panchayat or a Village Authority or any other authority permissible in law at Irang Part â?" I and Irang Part â?" II Villages, keeping in mind the object sought to be achieved by Article 40 and Chapter IX of the Constitution of India.

[7] It may be noted that the Government of Manipur filed an affidavit in the writ petition stating that the Additional Deputy Commissioner, Kangpokpi,

had no authority to appoint the third respondent as the GB/Chairman of Irang Part â?" I Villages. This stand was taken by the Government on the

basis of the Manipur (Village Authority in Hill Areas) Act, 1956.

[8] Given the aforesaid facts, we find no grounds to interfere with the order under appeal. The learned Judge allowed the writ petition but thought it

appropriate to direct the Government to take a policy decision in the matter. It appears that there is an administrative vacuum and practices are being

adopted in the areas in question only as per convention. It would therefore be appropriate that the State apply its mind to the issue and take a call as to

what needs to be done in terms of the applicable law. Needless to state, it would be open to the appellants to put forth their stand before the

Government during this exercise. This aspect has not been clearly spelt out by the learned Judge in the order under appeal and to that extent, the order

needs to be clarified.

[9] Further, it appears that the third respondent is espousing the cause of the Nepalese who are living in these village blocks since a long time.

Therefore, he along with other representatives of the said community would also be entitled to be heard before a final decision is taken. All concerned

and interested parties must be given an opportunity of participation, through written representations as well as personal hearings, to put forth their

respective stands before the Government to facilitate an equitable and lawful policy decision being taken. However, given the current situation caused

by the second wave of the Covid-19 pandemic, it would be proper that the Government be given a little more elbow room to complete the process.

The exercise shall therefore be completed expeditiously, and preferably within 6 (six) months from the date of receipt of a certified copy of this order.

The writ appeal is disposed of with these clarifications and observations.

In the circumstances, there shall be no order as to costs.