

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

WP(C)No.110 of 2023

The kwa-Mana Plantation and Sales Association, a Society registered under the Manipur Societies Registration Act, 1989, bearing Regd. No. 26 of 1997 having its registered office at Naoremthong Laishram Leikai, PO & PS Lamphel, District-Imphal West, Manipur represented by its President Shri Sagolsem Biren Singh, aged about 61 years, S/o late, S. Kunajmani Singh, resident of Naoremthong, Laishram Leikai, Imphal West, Manipur.

...Petitioner

– Versus –

1. The State of Manipur represented by the Commissioner(Revenue), Government of Manipur at Imphal-795001.
2. The Director of Settlement and Land Records, Government of Manipur, Lamphelpat-795004.

.... Respondents.

BEFORE

HON'BLE THE ACTIING CHIEF JUSTICE MR. M.V. MURALIDARAN

For the Petitioner	:	Mr. S. Rajeetchandra, Adv.
For the Respondents	:	Mr. Shyam Sharma, GA.
Date of order.	:	21.02.2023

JUDGMENT & ORDER
(oral)

[1] Heard Mr. S. Rajeetchandra, learned counsel appearing for the petitioner and Mr. Shyam Sharma, learned GA for the State respondents.

[2] After admission of this writ petition, the matter has been listed today and accordingly, I heard the argument of both the party in detail.

[3] When the matter is taken up today, Mr. S. Rajeetchandra, learned counsel appearing for the petitioner represented that though the petitioner sought for the larger prayer but he restricted his prayer that if this Court is inclined to issue direction to the respondents to consider the petitioner's representation/Review Petition dated 24.01.2022, he will be satisfied.

[4] The learned counsel appearing for the petitioner further represented that petitioner has approached this Court and the Hon'ble Supreme Court on earlier occasions and finally pursuant to the orders passed by the Hon'ble Supreme Court, the present impugned order dated 02.07.2021 has been passed by rejecting the request of the petitioner for allotment of land which is challenged in this writ petition. He further argued before this Court that in spite of dealing the matter on merits in respect of the impugned order dated 02.07.2021(Annexure-A/11), this Court may be directed the respondents namely, the Commissioner(Revenue),

Government of Manipur to consider the petitioner's review petition/representation dated 24.01.2022 against the order dated 02.07.2021 passed by the Commissioner, Revenue Department, Government of Manipur. Since the petitioner has given every detail in respect of the Review Petition but the same is pending without consideration by the respondent No.1 and if this Court is inclined to issue direction to the respondent No.1 to consider the review petition/representation dated 24.01.2022 within a stipulated period of time, the petitioner will be satisfied.

[5] Mr. Shyam Sharma, learned GA has strongly opposing to issue any direction for considering the review petition/representation dated 24.01.2022 on the ground that the petitioner had lost in all the cases before the learned Single Judge, Division Bench and before the Hon'ble Supreme Court. Admittedly, the Hon'ble Supreme Court has directed the respondents to consider the claim of the petitioner in respect of the allotment of land and accordingly based on the report submitted by the Directorate of Settlement and Land records, Manipur dated 27.04.2021, the present impugned order dated 02.07.2021 has been passed since the land covered by C.S. Dag No. 7030/7135 of village No.91(A)-Lamphelpat is non-existent as per the report of DSLR, Manipur. Therefore, the respondent No.1 considers the claim of the petitioner on the only ground that there is no valid ground for considering

the allotment of land in favour of the petitioner. Therefore, he strongly objecting for issuing any direction for considering the review petition/representation filed by the petitioner on 24.01.2022.

[6] I heard both sides and it is admitted fact that the respondent authorities consider the case of the petitioner after issuance of the order by the Hon'ble Supreme Court and passed the present impugned order dated 02.07.2021. In fact, the petitioner has every right to file any review petition/representation against the order which he aggrieved and accordingly, in this case, the petitioner has aggrieved the order passed by the first respondent and accordingly, the present writ petition has been filed. If this Court inclined to pass order by directing the respondent No.1 to consider the writ petitioner's review petition/representation dated 24.01.2022 by giving fair opportunity to the petitioner, no prejudice will be caused to the respondents.

[7] Therefore, without considering the case on merits and demerits, this Court is inclined to direct the respondent No.1 to consider the review petition dated 24.01.2022 filed by the petitioner seeking to review the order dated 02.07.2021 in accordance with law on merits. It is made clear that this Court is not given any opinion in respect of the petitioner's case but it is opened to the respondent No.1 to consider the case on merits by giving fair opportunity to the petitioner and to pass appropriate speaking order.

[8] Accordingly,

- (a) this writ petition is disposed of.
- (b) the respondent No.1 is directed to pass appropriate speaking orders on the petitioner review/representation dated 24.01.2022 by giving fair opportunity to the petitioner.
- (c) the said exercise shall be done within a period of 3 (three) months from the date of receipt of copy of this order.

ACTING CHIEF JUSTICE

John Kom