

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

El. Petn. No. 2 of 2022

Mairembam Prithviraj Singh @ Prithiviraj

... *Petitioner*

Vs.

Thongam Shanti Singh & anr.

... *Respondents*

With

El. Recr. Petn. No. 3 of 2022 &

El. Recr. Petn. No. 4 of 2022

B E F O R E

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

20-02-2023

Heard Mr. Ajoy Pebam, learned counsel appearing for the petitioner in El. Petn. No. 2 of 2022, Mr. N. Kumarjit, learned senior counsel assisted by Mr. N. Zequeson, learned counsel appearing for the petitioner in El. Recr. Petn. No. 3 of 2022 and Mr. I. Bikramjit, learned counsel appearing for the petitioner in El. Recr. Petn. No. 4 of 2022.

By an order dated 05-12-2022, this Court had already framed three issues, however, the petitioner subsequently filed an application being MC(El. Petn.) No. 20 of 2023 with a prayer for framing additional issues. After hearing the submission of the learned counsel appearing for the parties, the said application was allowed by an order passed today in the said misc. application. In view of the order passed today in the said application, the issues are re-framed as hereunder:-

1. Whether the Respondent No. 1 failed to disclose his Agricultural Land (Phourel Class) being Old Pata No. 85 AP corresponding to New Patta No. 1005 covered by C.S. Dag No. 5667 measuring an area of 1.09 acres of Village No. 52-Moirang which is recorded in the name of the Respondent No. 1 as Co-Pattadar along with one person namely Phairembam Tomba Singh in his Form 26 Affidavit date 04/02/2022?
2. Whether the Respondent No. 1 failed to disclose his Agricultural Land (Phourel Class) being New Patta No. 442/ 1604 covered by C.S. Dag No. 5730/ 5776 measuring an area of 0.62 acres of Village No. 52-Moirang in his Form 26 Affidavit dated 04/02/2022?

3. Whether the Respondent No. 1 failed to disclose the Agricultural Land (Phourel Class) being Old Patta No. 1033 corresponding to New Pata No. 335 covered by C.S. Dag No. 4126 measuring an area of 1.04816 Hectare/ 2.59 acres of Village No. 51-Ngangkhalawai recorded in the name of his spouse in his Form 26 Affidavit dated 04/02/2022?
4. Whether the Respondent No. 1 failed to disclose his Non-Agricultural Land being New Patta No. 52/9 (B) covered by C.S. Dag No. 1170/ P measuring an area of 0.02 acres of Village No. 52-Moirang in his Form 26 Affidavit dated 04/02/2022?
5. Whether the Respondent No. 1 failed to disclose his Non-Agricultural Land being Old Patta No. 1291 corresponding New Pata No. 491 covered by C.S. Dag No. 2557, 2553/ 2666 measuring total area of 1.39 acres of Village No. 52-Moirang in his Form 26 Affidavit dated 04/02/2022?
6. Whether the Respondent No. 1 failed to disclose the Non-Agricultural Land being Old Patta No. 108 part corresponding New Pata No. 366/ A covered by C.S. Dag No. 1472/P measuring an area of 0.04 acres of Village No. 52-Moirang recorded in the name of his spouse in his Form 26 Affidavit dated 04/02/2022?
7. Whether the Respondent No. 1 failed to disclose the full particulars of the Commercial Buildings of the Respondent No. 1 and his spouse at Para Nos. 7(B)(iii) in his Form 26 Affidavit dated 04/02/2022?
8. Whether the Respondent No. 1 wrongly mentioned in the relevant Column of the Source of Income of himself and his spouse in Para No. (9A) of his Form 26 Affidavit dated 04/02/2022?
9. Whether the election of the Respondent No. 1 as the returned candidate from 27-Moirang Assembly Constituency to the 12th Manipur Legislative Assembly Election, 2022 is liable to be declared null and void?

10. Whether the Election Petitioner is entitled to be declared as the returned candidate of 27-Moirrang Assembly Constituency to the 12th Manipur Legislative Assembly Election, 2022?

As directed earlier by this court, the counsel appearing for the parties suggested the name of Shri Lairikyengbam Jayantakumar Roy, Advocate as the Commissioner for examination of the witnesses produced by the respective parties in connection with these three election petition/ election recrimination petition.

In view of the consensus proposal made by the learned counsel for the parties, it is hereby ordered that Shri Lairikyengbam Jayantakumar Roy, Advocate shall be the Commissioner to examine the witnesses produced by parties in the present case. It is also made clear that the fees of the Commissioner for examining the witnesses will be at the rate of ₹ 30,000/- (rupees thirty thousand) per witness which is to be borne by the party who produce the said witnesses.

As prayed for, list these cases again on 01-03-2023 for further proceeding.

JUDGE

Devananda

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

MC(EI. Petn.) No. 20 of 2023

(Ref:- EI. Petn. No. 2 of 2022)

Mairembam Prithviraj Singh @ Prithiviraj

... Applicant

Vs.

Thongam Shanti Singh & anr.

... Respondents

B E F O R E

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

20-02-2023

Heard Mr. Ajoy Pebam, learned counsel appearing for the applicant, Mr. I. Bikramjit, learned counsel for the respondent No. 1 and Mr. N. Kumarjit, learned senior counsel assisted by Mr. N. Zequeson, learned counsel appearing for the respondent No. 2.

The present application had been filed with the prayer for framing additional issues as proposed in para 5 of the present application over and above the issues framed earlier by this court.

Mr. I. Bikramjit, learned counsel appearing for the respondent No. 1 as well as Mr. N. Kumarjit, learned counsel appearing for the respondents No. 2 submitted that they have no objection in allowing the present application. On perusal of the record of the present application, this Court is of the considered view that instead of adding the issues as proposed by the present applicant in para 5 of this application, it will be just and proper to delete the Issue No. 1 framed by this court on 05-12-2022 and in its place, the following issues be added. Accordingly, it is hereby ordered that in place of the Issue No. 1 framed by this court on 05-12-2022, the following issues will be added:-

- (i) Whether the Respondent No. 1 failed to disclose his Agricultural Land (Phourel Class) being Old Pata No. 85 AP corresponding to New Patta No. 1005 covered by C.S. Dag No. 5667 measuring an area of 1.09 acres of Village No. 52-Moirang which is recorded in the name of the Respondent No. 1 as Co-Pattadar along with one person namely Phairembam Tomba Singh in his Form 26 Affidavit dated 04/02/2022?

- (ii) Whether the Respondent No. 1 failed to disclose his Agricultural Land (Phourel Class) being New Patta No. 442/ 1604 covered by C.S. Dag No. 5730/ 5776 measuring an area of 0.62 acres of Village No. 52-Moirang in his Form 26 Affidavit dated 04/02/2022?
- (iii) Whether the Respondent No. 1 failed to disclose the Agricultural Land (Phourel Class) being Old Patta No. 1033 corresponding to New Pata No. 335 covered by C.S. Dag No. 4126 measuring an area of 1.04816 Hectare/ 2.59 acres of Village No. 51-Ngangkhalawai recorded in the name of his spouse in his Form 26 Affidavit dated 04/02/2022?
- (iv) Whether the Respondent No. 1 failed to disclose his Non-Agricultural Land being New Patta No. 52/9 (B) covered by C.S. Dag No. 1170/ P measuring an area of 0.02 acres of Village No. 52-Moirang in his Form 26 Affidavit dated 04/02/2022?
- (v) Whether the Respondent No. 1 failed to disclose his Non-Agricultural Land being Old Patta No. 1291 corresponding New Pata No. 491 covered by C.S. Dag No. 2557, 2553/ 2666 measuring total area of 1.39 acres of Village No. 52-Moirang in his Form 26 Affidavit dated 04/02/2022?
- (vi) Whether the Respondent No. 1 failed to disclose the Non-Agricultural Land being Old Patta No. 108 part corresponding New Pata No. 366/ A covered by C.S. Dag No. 1472/P measuring an area of 0.04 acres of Village No. 52-Moirang recorded in the name of his spouse in his Form 26 Affidavit dated 04/02/2022?
- (vii) Whether the Respondent No. 1 failed to disclose the full particulars of the Commercial Buildings of the Respondent No. 1 and his spouse at Para Nos. 7(B)(iii) in his Form 26 Affidavit dated 04/02/2022?
- (viii) Whether the Respondent No. 1 wrongly mentioned in the relevant Column of the Source of Income of himself and his spouse in Para No. (9A) of his Form 26 Affidavit dated 04/02/2022?

It is also made clear that the remaining issues framed earlier by this court on 05-12-2022 will remain.

With the aforesaid directions, the present application is disposed of.

JUDGE

Devananda

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

MC(EI. Petn.) No. 71 of 2022

(Ref:- EI. Petn. No. 2 of 2022)

Thongam Shanti Singh

... Applicant

Vs.

Mairembam Prithviraj Singh @

Prithviraj & anr.

... Respondents

B E F O R E

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

20-02-2023

On the prayer made by the counsel appearing for the applicant,
list this case again on 01-03-2023 for consideration and disposal.

JUDGE

Devananda