

Item No. 10

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

WP(C) No. 308 of 2023

Laishram Sangeeta Devi & Anr.

....Petitioners

-Versus-

State of Manipur & 3 Ors.

.....Respondents

BEFORE
HON'BLE THE ACTING CHIEF JUSTICE MR. MV MURALIDARAN

06.04.2023

[1] Heard Mr. N. Jotendro, learned senior counsel for the petitioners; Mr. U. Augusta, learned junior counsel to Mr. Y. Nirmolchand, learned senior counsel for the respondent No.3 and Mr. M. Rarry, learned Special Counsel appearing for the State has taken notice and appeared before this Court.

[2] Both the counsel for the parties agreed for disposal of the writ petition at the motion stage itself.

[3] Mr. Jotendro, learned senior counsel for the petitioners represented that the present writ petition has been filed seeking the prayers as follows :

“(i) issue rule and call for records;

(ii) issue writ in the nature of Certiorari or

*mandamus or any other appropriate writ of the like nature for quashing and setting aside the impugned order dated 17.1.2023 (**Annexure A/14** to the writ petition) issued by the Commissioner (MAHUD), Government of Manipur along with Notification dated 17.1.2023 issued by the Commissioner (MAHUD), Government of Manipur (**Annexure-A/15** to the writ petition) and Letter dated 29.3.2023 (**Annexure-A/18** to the writ petition) issued by the Joint Secretary (MAHUD), Government of Manipur addressed to the Secretary, State Election Commission, Manipur thereby excluding the Ward No. 5 and Ward No. 19 is illegal as the same were issued in violation of the Section 17 of Manipur Municipalities Act, 1994 r/w Section 107 of the Manipur Municipalities (Election of Councillors) Rules, 1994 and also in violation of the Article 14 and 326 of the Constitution of India as the rotation of reservation have to be calculated afresh from the date of conversion from Imphal Municipal Council to Imphal Municipal Corporation w.e.f 28.2.2014 from the first election held in the year 2015;*

*(iii) In the interim, suspend/stay the impugned order dated 17.1.2023 (**Annexure-A/14** to the writ petition) issued by the Commissioner (MAHUD), Government of Manipur along with Notification dated 17.1.2023 (**Annexure-A/15** to the writ petition) issued by the Commissioner (MAHUD), Government of Manipur and Letter dated 29.3.2023 issued by the Joint Secretary (MAHUD), Government of Manipur (**Annexure-A/18** to the writ petition) like the order dated 24.1.2023 passed in W.P. (C) No. 63 of 2023 and order dated 27.1.2023 passed in W.P. (C) No. 71 of 2023 pending final disposal of the instant writ petition;*

-AND-

(iv) pass any further appropriate order or direction as the Hon'ble Court may deem just and proper according to the facts and circumstances of the present case."

[4] He further argued that though the petitioners have filed a representation dated 19.10.2022 requesting the authority to review/recall the decisions of the State Government to reserved IMC Ward No. 19 as a ST seat in the ensuing general Election for the Imphal

Municipal Corporation, 2022 in the larger interest of the general public residing in the said Ward No. 19 as an open/unreserved seat to meet the ends of justice.

[5] He further represented that he has given proper representation on 19.10.2022 and their grievances but without considering their grievances, the respondents have passed the present impugned order dated 29.03.2023.

[6] Aggrieved by the same, he has filed the present writ petition before this Court to challenge the said impugned order dated 29.03.2023. Therefore, he prayed this Court to admit this writ petition and grant interim order.

[7] Mr. M. Rarry, learned Special Counsel appearing for the State and Mr. U. Augusta, learned junior counsel to Mr. Y. Nirmolchand, learned senior counsel for the respondent No.3, the Imphal Municipal Corporation take notice and appeared.

[8] Mr. Rarry, learned Special Counsel for the State has stated that the petitioners have not given any proper representation to the respondents since the Respondents have called the objection from the public but they have challenged the present impugned order dated 29.03.2023 without any valid ground. Therefore, he prayed this Court to dismiss the writ petition.

[9] Mr. U. Augusta, learned junior counsel to Mr. Y. Nirmolchand, learned senior counsel for the respondent No.3, the Imphal Municipal Corporation has represented that he has adopted the argument advanced by Mr. M. Rarry.

[10] Mr. N. Jotendro, the learned senior counsel represented that the petitioners have given the representation dated 19.10.2022 and the respondents have not considered the same and he prayed this Court that the petitioners may be directed to give a fresh representation to vindicate their grievances and the respondents are ready to pass fresh order.

[11] Mr. Rarry represented that he is strongly opposing to grant any relief as sought for by the petitioners and prayed to dismiss the writ petition.

[12] Considering the nature of arguments advanced by both the parties, I am inclined to pass the following orders :

- i) this writ petition is allowed.
- ii) the impugned order dated 29.03.2023 is set aside.
- iii) the petitioners are directed to give fresh representations to the respondents on or before 18.04.2023

- iv) and on receipt of the same, the respondents No. 1 and 2 are hereby directed to pass appropriate speaking orders on or before 24.04.2023.

[13] With the above observation and directions, this writ petition is disposed of.

[14] Registry is directed to issue copy of this order to both the parties today itself.

ACTING CHIEF JUSTICE

Sushil