

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

MCWP(C) No. 177 of 2019
Ref:- WP(C) No. 2002 of 2001

Smt. Ngangom (Ningol) Naorem Ongbi Ibemhal Devi, aged about 72 years, daughter of late Ngangom Tomba Singh and wife of late Naorem Bhubon Singh, resident of Uripok Ahanthem Leikai, P.S. & P.O. Imphal, District Imphal West, Manipur- 795001.

.....**Applicant**

-versus-

1. Shri Ngangom Ibochou Singh, aged about 58 years, son of late Ngangom Tomba Singh and ngangom Ongbi R.K. Lembisana @ R.K. Ibemhal Devi, residents of Sagolband Moirangmayum Leirak, P.S. & P.O. Imphal, District Imphal West, Manipur-795001.
2. Shri Ngangom Ibomcha Singh, aged about 51 years, son of late Ngangom Tomba Singh and ngangom Ongbi R.K. Lembisana @ R.K. Ibemhal Devi, residents of Sagolband Moirangmayum Leirak, P.S. & P.O. Imphal, District Imphal West, Manipur-795001.

... ..**RESPONDENTS.**

3. The Secretary (Revenue) to the Government of Manipur, Secretariat Block, P.S. and P.O. Imphal, District Imphal West, Manipur-795001.
4. The Under Secretary (Revenue) to the Government of Manipur, Secretariat, P.S. and P.O. Imphal, District Imphal West, Manipur-795001.

5. The State of Manipur, through the Commissioner/ Secretary (Revenue), Government of Manipur, P.S. and P.O. Imphal, District Imphal West, Manipur-795001.

... .. **PROFORMA RESPONDENTS.**

BEFORE
HON'BLE THE ACTING CHIEF JUSTICE M.V. MURALIDARAN

For the applicant	::	Mr. HS Paonam, Sr. Adv S. Gunabanta, Adv.
For the Respondents	::	Mr. A. Golly, Adv. Mr. Sh. Shyam Sharma, GA
Date of Hearing and reserving Judgment & Order	::	11.08.2023
Date of Judgment & Order	::	05.09.2023

JUDGMENT AND ORDER
(CAV)

Heard Mr. HS Paonam, learned senior counsel for the applicant; Mr. A. Golly, the learned counsel for the respondents No. 1 and 2/writ petitioners and Mr. Sh. Shyam Sharma, learned Government Advocate for the respondent State.

2. M.C.(WP(C)) No.177 of 2019 has been filed by the applicant Ngangom (Ningol) Naorem Ongbi Ibemhal Devi seeking direction on the writ petitioners to file appropriate application for impleading Imphal Municipal Corporation as party

respondent or else the writ petition may be dismissed for non-joinder of necessary party.

3. Mr. HS Paonam, the learned senior counsel for the applicant submitted that the plot of land in question falls within the jurisdiction of Imphal Municipal Corporation wherein allotment has to be made after adhering to the relevant Municipal Law governing the field. The applicant is also paying municipal house tax till date for the plot of land under House No.400/W No.25 of the Imphal Municipal Corporation which was earlier known as Imphal Municipal Council. The records in possession of the Imphal Municipal Corporation pertaining to the aforesaid plot of land would reveal the status of the actual owner of the land. Hence, this Court may direct the writ petitioners to file appropriate application for impleading the Imphal Municipal Corporation as party respondent in the writ petition for proper adjudication of the issue raised in the writ petition otherwise the writ petition is liable to be dismissed for non-joinder of necessary party.

4. This Court also heard the submissions of the learned counsel for the respondents/writ petitioners and the learned Government Advocate.

5. The applicant, who is the fourth respondent in the main writ petition, seeks direction on the writ petitioners to file appropriate application for impleadment of the Imphal Municipal Corporation as party respondent or else the writ petition may be dismissed for non-joinder of necessary party. For seeking such a payer, the applicant alleged that the plot of land in question falls within the jurisdiction of the Imphal Municipal Corporation and that the applicant is paying municipal tax till date for the plot of land.

6. The prayer in the writ petition is to quash the impugned Corrigendum dated 12.6.2021. According to the original writ petitioners, without giving any notice to them and information about the application of the applicant herein and also behind the back of the writ petitioners, the Under Secretary (Revenue) issued the Corrigendum dated 12.6.2021 for replacing the name of the applicant as allottee in the place of the petitioner R.K.Ibemhal Devi.

7. As could be seen from the records, on contest, once the writ petition was dismissed by the Gauhati High Court, Imphal Bench under order dated 8.11.2007. Against which, W.A.No.4 of 2008 was preferred and a Division Bench of this Court by the judgment date 14.5.2013 set aside the order dated 8.11.2007

passed in the writ petition and remanded the matter to the writ court for deciding it on merits.

8. On a perusal of the judgment dated 14.5.2013 passed in W.A.No.4 of 2008, this Court finds that the Division Bench of this Court observed that when the challenge was on the ground of non-compliance of principles of natural justice while passing the impugned Corrigendum against the writ petitioner and such challenge can always be examined in writ petition under Article 226/227 of the Constitution against the State and the same can be examined on the facts necessary for inviting such decision in the writ petition.

9. Admittedly, the applicant has not taken the plea of impleadment of the Imphal Municipal Corporation as party respondent before the order dated 8.11.2007 passed in the writ petition and/or in the writ appeal. After remand in the year 2013, the writ petition was listed from time to time. Now all of sudden in the year 2019, the applicant has filed the present miscellaneous case to direct the writ petitioners to implead the Imphal Municipal Corporation as party respondent or else the writ petition may be dismissed for non-joinder of necessary party. Taking into consideration the challenge made in the writ petition,

any order is passed, it will bind all authorities, including the Imphal Municipal Corporation.

10. The respondent in a writ petition cannot dictate the writ petitioner to implead a particular authority. The impleadment has to be sought based on the role played by the authority in connection with the writ petition. As stated supra, the challenge made in the writ petition is to the Corrigendum dated 12.6.2001 issued by the second respondent in the writ petition. Therefore, the said authority would be a necessary party. Merely because the applicant is paying tax to the Imphal Municipal Corporation, the said Municipal Corporation is not a necessary party. In the facts and circumstances of the present case set forth by the parties, the impleadment sought by the applicant is unnecessary and the miscellaneous case is liable to be dismissed.

11. In the result, M.C. (WP(C)) No.177 of 2019 is dismissed.

ACTING CHIEF JUSTICE

FR/NFR

Sushil