

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL
MC(WP(C))No.150 of 2023
Ref: WP(C)No.229 of 2023**

1. The State of Manipur represented by the Chief Secretary, Government of Manipur, and its Office at Babupara, Old Secretariat Complex, Imphal West, Manipur-795001.
2. The Chief Secretary to the Govt. of Manipur and its Office at Old Secretariat Complex, Imphal, Manipur-795001.
3. The Secretary, Tribal Affairs and Hills Department and its office at old Secretariat Complex, Imphal, Manipur.

...Applicants

- Versus -

1. Shri. Mutum Churamani Meetei aged about 62 years S/o Late M. Iboton Meetei of Kabo Leikai Dewlahland, PO & PS- Porompat, District-Imphal East, Manipur who is the Secretary of the Meetei (Meitei) Tribe Union being Regd. No. 15 of 2022.
2. Shri Puyam Ranachandra Singh aged about 43 years S/o Puyam Kushumani Singh of Langathel Laikom Bazar, PO & PS- Thoubal, District-Thoubal, Manipur who is the Member of the Meetei(Meitei) Tribe Union being Regd. No.15 of 2022.
3. Shri. Thokchom Gopimohon Singh, aged about 73 years S/O Late Thokchom Somokanta Singh of Keishamthong Laisom Leirak, PO & PS- Imphal, District-Imphal West, Manipur-795001 who is the Member of the Meetei(Meitei) Tribe Union being Regd. No.15 of 2022.
4. Shri. Sagolsem Robindro Singh age about 66 years S/o S. Amu Singh of Sagolband Khamnam Bazar, PO-Imphal& P.S.-Lamphel, District-Imphal West, Manipur-795001 who is the member of the Meetei (Meitei) Tribe Union being Regd. No.15 of 2022.

5. Shri. Elangbam Baburam aged about 76 years S/o (L) E. Leipak macha Singh of Keirak Khongnang Leikai, P.S. Kakching BPO Keirak, PO Kakching District-Kakching, Manipur who is the Member of the Meetei (Meitei) Tribe Union being Regd, No.15 of 2022.
6. Shri Leihaorambam Projit Singh aged about 62 years, S/o L. Surjit Singh of Sorok Atingbi Khunou Hilghat, PO & PS-Jiribam, District-Jiribam, Manipur-795115 who is the Member of the Meetei (Meitei) Tribe Union being Regd, No.15 of 2022.
7. Shri Thiyam Somendro Singh aged about 46 years, S/o Th. Ibobi Singh of Ningthoukhong Ward No.5, Ningthoukhong Kha Bishnupur, PO & PS- Bishnupur, District- Bishnupur, Manipur-795126 who is the Member of the Meetei (Meitei) Tribe Union being Regd, No.15 of 2022.
8. Shri Mutum Nilamani Singh aged about 61 years S/o M. Jadhop Singh of Chingdong Leikai, PO & PS- Jiribam, District- Jiribam, Manipur-795115 who is the Member of the Meetei (Meitei) Tribe Union being Regd, No.15 of 2022.

... Respondents.

9. The Secretary, Ministry of Tribal Affairs, Government of India, Shastri Bhawan New Delhi-110001.

...Proforma Respondent

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

(Video Conference)

09.05.2023

[1] Heard the learned Advocate General appearing for the applicants, the learned senior counsel appearing for respondent Nos. 1 to 8 and the learned DSGI for proforma Respondent No.9.

[2] This application has been filed by the applicants to extend the time limit for a further period of one year for consideration of the judgment and order dated 27.03.2023 passed in W.P.(C) No.229 of 2023.

[3] The learned AG appearing for the applicants argued in the open Court that, (i) the application is filed for extension of time for consideration of the representation of the petitioners due to the serious law and order situation prevailing in the State of Manipur as many innocent lives are lost. Therefore, this application is intended to prevent any further loss of life in the State and also to preserve humanity, (ii) the applicants may be allowed to consult all the stakeholders including NGOS, CSOs, religious leaders etc. of all communities and furthermore it is imperative for the State Government to complete all the technical formalities before the representation of the petitioners are considered. All these consultations and formalities could be started only after the situation and also tension are normalized in the State which may take next few months, (iii) presently each and every machinery of State is wholeheartedly involved in saving life of the people of Manipur, thereafter, the learned Advocate General prayed for 1(one) year time for consideration of the case.

[4] Refuting the submission made by the learned Advocate General, the learned senior counsel for the respondents No. 1 to 8 submitted that only to drag on the compliance of the direction of this Court, the applicants have filed the present miscellaneous case and the prayer cannot be acceded to. At last, the learned counsel argued that three

months' time may be granted to the applicants for consideration of the direction of this Court.

[5] The Writ Petition in W.P.(C) No.229 of 2023 has been filed by the respondents for issuance of a writ of mandamus directing the first respondent to consider and dispose of the representation dated 24.01.2023 and submit recommendation in reply to the Letter No.1902005/2012- C&IM dated 29.05.2013 of the Government of India, Ministry of Tribal Affairs within a period of two months or within a time frame and to include Meetei/Meitei community in the Schedule Tribe list of Indian Constitution as a "tribe among tribes of Manipur", maintaining the tribal status of Meetei/Meitei existed before 21.09.1949 i.e. before signing of the Merger Agreement as part of the terms and conditions of the Merger Agreement of Manipur into the Indian Union and also direction on the fourth respondent to restore the Scheduled Tribe status of Meetei/Meitei community.

[6] This Court, by the order dated 27.03.2023, disposed of the writ petition with the following directions:

"17. In the result,

(i) The writ petition is disposed of.

(ii) The first respondent is directed to submit the recommendation in reply to the letter dated 29.5.2013 of the Ministry of Tribal Affairs, Government of India.

(iii) The first respondent shall consider the case of the petitioners for inclusion of the Meetei/Meitei community in the Scheduled Tribe list, expeditiously, preferably within a period four weeks from the date of receipt of a copy of this order in terms of the averments set out in the writ petition and in the

line of the order passed in WP(C) No. 4281 of 2002 dated 26.05.2003 by the Gauhati High Court.
(iv) No costs.”

[7] This Court is of the view that the language of the order dated 27.03.2023 in para (iii) is only innocuous order.

[8] By relying upon the prevailing law and order situation in the State of Manipur, now the applicants pray for one year time for consideration of the direction No.(iii) of the order dated 27.03.2023 passed in the writ petition.

[9] It is pertinent to note that opposing the order passed in W.P.(C) No.229 of 2023, lot of protests were made in the State by group of people and in certain places, some untoward incidents took place causing loss of human life, which this Court with heavy heart noted through media reports. Now the law and order situation in the State improved with the timely action taken by the Central and State Governments.

[10] Since the applicants themselves have come forward and prayed for one year time to consideration of the case of the respondents as directed at direction No.(iii), this Court finds that the prayer of the applicants appears to be bona fide and if the time as prayed for is extended, no prejudice would be caused to the respondents. On the other hand, if the time is not extended, the State and the people would be put to many hardships, which cannot be compensated in any form. Therefore, in the interest of justice and considering the complexity of the nature of the case, this Court is inclined to extend the time for a period of one year for consideration of the representation dated 24.01.2022 of the

respondents/writ petitioners as directed at direction No.(iii) in the order dated 27.03.2023 passed in W.P.(C) No.229 of 2023.

[11] In the result,

- a). M.C.(WP) No.150 of 2023 is allowed.
- b). Time for consideration of the direction made at direction No. (iii) of the order dated 27.03.2023 passed in W.P.(C) No.229 of 2023 is extended for a period of one year from the date of order in WP(C) No.229 of 2023 dated 27.03.2023.

ACTING CHIEF JUSTICE

Ab.Surjit