

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

MC(Rev.Pet.) No. 16 of 2023
Ref:- Review Pet. No. 12 of 2023

1. Tribal Youth Volunteers' Organisation having its Office at Community Centre, Ward No. 7, Tamenglong District Headquarter, P.O. & P.S. Tamenglong-795141, Manipur being Regd. No. 7 of 1991 represented by its Chairman Mr. Chuimei, aged about 41 years, S/o AS. Winson Zimik, resident of Hamleikhong, Hungpung, P.O. & P.S. Ukhrul, District Ukhrul, Manipur- 795142.
2. All Tribal Disabled Union, represented by its President Mr. Momo Tantanga, aged about 31 years, S/o Ks Angkha, having its registered office at Kabo Leikai, Dewlahland, P.O. & P.S. Imphal, Imphal East District, Manipur – 795001.r.

... APPLICANTS

-VERSUS-

1. Shri Mutum Churamani Meetei, aged about 62 years, S/O Late M. Iboton Meetei of Kabo Leikai Dewlahland, P.O. & P.S. – 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 Laikhom Bazar, P.O. & P.S. – 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, P.O. & P.S. – 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, aged about 66 years, S/o S. Amu Singh of Sagolband Khamnam Bazar, P.O. – 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. Leipakmachia Singh of Keirak Khongnang Leikai, P.S. 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 Hilgat, P.O. & P.S. – 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, Manipur – 795126 who is the Member of the Meetei (Meitei) Tribe Union being Regd. No. 15 of 2022 and
8. Shri Mutum Nilamani Singh, aged about 61 years, S/o M. Jadhoo Singh of Chingdong Leikai, P.O. & P.S.- Jiribam, District- Jiribam, Manipur – 795115 who is the Member of the Meetei (Meitei) Tribe Union being Regd. No. 15 of 2022.

... RESPONDENTS

9. The State of Manipur represented by the Chief Secretary, Government of Manipur and its Office at Babupara, Old Secretariat Complex, Imphal West, Manipur – 795001.
10. The Chief Secretary to the Govt. of Manipur and its Office at Old Secretariat Complex, Imphal, Manipur – 795001.
11. The Secretary, Tribal Affairs and Hills Department and its Office at Old Secretariat Complex, Imphal, Manipur and
12. The Secretary, Ministry of Tribal Affairs, Government of India, Shastri Bhawan New Delhi – 110001.

... OFFICIAL RESPONDENTS

BEFORE
HON'BLE MR. JUSTICE M.V. MURALIDARAN

[illegible]

For the Respondents :: Mr. M. Devananda, Addl. AG
Mr. N. Jotendro, Sr. Adv.
Mr. Kh. Samarijit, DSGI

Date of Hearing and
reserving Judgment & Order :: 11.10.2023

Date of Judgment & Order :: 30.10.2023

JUDGMENT AND ORDER
(CAV)

Heard Mr. Colin Gonsalves, learned senior counsel for the applicants; M. N. Jotendro, the learned senior counsel for the private respondents; Mr. M. Devananda, the learned Additional Advocate General for the respondent State and Mr. Kh. Samarjit, the learned DSGI for the respondent Union of India.

2. This petition has been filed by the applicants to implead them as party respondents in Review Application No.12 of 2023 filed by the private respondents.

3. Review Application No.12 of 2023 has been filed by the respondents 1 to 8 to review/modify para No.17(iii) of the

judgment and order dated 27.3.2023 passed in W.P.(C) No.229 of 2023 as under:

“The first respondent shall consider the case of the petitioners by sending recommendation which would be in the wisdom and realm of the State Government in reply to the letter dated 29.05.2013 of the Ministry of Tribal Affairs, Government of India, expeditiously preferred within a period of one year from the date of order in WP(C) No.229 of 2023 dated 27.03.2023 in term of the averments set out in the writ petition and in the line of the order passed in W.P.(C) No.4281 of 2002 dated 26.05.2003 by the Gauhati High Court.”

4. Mr. Colin Gonsalves, learned senior counsel for the applicants submitted that filing of Review Application No.12 of 2023 itself is mala fide and designed to sabotage the appeal pending before the Division Bench of this Court because if the order is modified the appeal cannot be allowed and a fresh appeal will have to be filed.

5. The learned senior counsel for the applicants would submit that the applicants are likely to be affected by any order to be made in the Review Application, as the Review Application is

not maintainable. The order sought in review amounts to a re-hearing and re-working which does not fall within the parameters of the review. Further, no order even to consider the representation can be made by this Court, as there is no material on record and no material exists to show that the Meiteis/Meeteis are backward or even to show that they are tribals. Therefore, the applicants are necessary parties in the Review Application No.12 of 2023. No prejudice would be caused to the private respondents, if the applicants are impleaded as party respondents in the Review Application No.12 of 2023. Thus, a prayer has been made to implead the applicants as party respondents in Review Application No.12 of 2023.

6. Per contra, Mr. N. Jotendro, the learned senior counsel appearing for the private respondents/Review petitioner submitted that the respondents 1 to 8 herein are not barred by any law to prefer the Review Application as they have not preferred any appeal challenging the judgment and order dated 27.3.2023 passed in the writ petition. However, the second applicant herein along with other applicants have filed M.C. (WA) No.88 of 2023 praying for allowing them to file third party appeal against the judgment and order dated 27.3.2023 passed in the writ petition and the said miscellaneous case is pending consideration.

7. The learned senior counsel for the respondents 1 to 8 further submitted that even if the Review Application filed by the respondents 1 to 8 is allowed, the right of the applicants is not affected. Moreover, the applicants have failed to demonstrate what right has been affected while directing to the State Government to expedite the process for consideration which is pending for the last 10 years and which decision of the State Government either may be positive or negative but the decision should be taken up in accordance with law.

8. The learned senior counsel for the respondents 1 to 8 would submit that the applicants do not have any right to seek the relief for impleadment in the present Review Application and, thus, a prayer has been made to dismiss the present petition.

9. This Court also heard the submissions of Mr. M. Devananda, the learned Additional Advocate General for the respondent State as well as Mr. Kh. Samarjit, learned DSGI for the respondent Union of India.

10. The applicants seek to implead them as party respondents in Review Application No.12 of 2023 filed by the respondents 1 to 8 herein mainly on the ground that the applicants are likely to be vitally affected by any order to be made in the

Review Application No.12 of 2023, as the said Review Application at the hands of the respondents 1 to 8 is not at all maintainable. Further, as against the order dated 27.3.2023 passed in the writ petition, an appeal has already been preferred.

11. The learned senior counsel for the applicants contended that direction to the State Government to consider the representation of Meetei parties cannot be made because no material has been placed on record before the learned Single Judge to show that the Meeteis are even a tribe of Manipur let alone a Scheduled Tribe. The community which seeks to usurp the benefits available to the Scheduled Tribe though they are a dominant, forward, economically advanced and educationally advanced community are doing mala fide. They seek to illegally use the High Court as a post office wrongly assuming that the High Court will mechanically refer the representation of the Meetei to the State for consideration. The learned senior counsel further submitted that the order of the High Court dated 27.3.2023 directing the State Government to consider the representation of the Meetei will create the impression that if the High Court has made such an order than surely there must be merit in such a representation. This is why even an order “to consider” should not be made. According to the learned senior counsel for the

applicants, the direction to the State Government to consider the representation of the private respondents would have a cascading effect as a precedent throughout the country as dominant groups will make representation to the State and then rush to the High Court to obtain similar such orders.

12. First of all, the merits of the Review Application filed by the respondents 1 to 8 cannot be gone into in the present petition for impleadment.

13. The point arises for consideration in the present petition is whether the applicants are to be impleaded as party respondents or not in the Review Application No.12 of 2023 as prayed for by them.

14. The applicants herein are Tribal Youth Volunteers' Organisation and All Tribal Disabled Union respectively. The applicants themselves stated that they have filed MC (WA) No.88 of 2023 to permit them to file third party appeal against the order dated 27.3.2023 passed in W.P.(C) No.229 of 2023 and the said miscellaneous case is pending consideration. Once the applicants have filed appeal against the order dated 27.3.2023 passed in the writ petition, filing of petition to implead them as

party respondents in the Review Application filed by the respondents 1 to 3 is not permissible.

15. According to Mr. Colin Gonsalves, learned senior counsel for the applicants, as per Order 47, Rule 1 CPC, the Review Petition No.12 of 2023 filed by the respondents 1 to 8 is not maintainable, as the applicants have already preferred an appeal. The respondents 1 to 8 can take all the pleas before the appellate court. In fact, the hearing of the appeal on the last occasion went on in respect of the arguments on the merits of the appeal and the Division Bench orally observed that both parties can argue the appeal itself and, therefore, it is not necessary to proceed with the review.

16. As stated supra, the applicants themselves admitted that the second applicant and others have filed an appeal against the order dated 27.3.2023 passed in the writ petition. Once they have invoked the appellate jurisdiction by filing an appeal, the applicants have no right to seek impleadment in the review application filed by the original writ petitioners. Since the applicants have no right to seek the relief for impleadment in Review Application No.12 of 2023, this Court is of the view that the present petition is liable to be dismissed.

17. Accordingly, MC (Rev.Pet) No.16 of 2023 in Review Application No.12 of 2023 is dismissed. No costs.

It is made clear that the merits of the review/modification, as prayed for by the respondents 1 to 8, have not been delved into in this order.

JUDGE

FR/NFR

Sushil