

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

CRP(CRP.Art.227) No. 32 of 2022

Smt. Yumnam (O) Inao Devi, aged about 49 years, W/o Yumnam Chaoba Singh, a resident of Athokpam Makha Leikai, P.O. & P.S. Thoubal, Thoubal District, Manipur-795138.

....Petitioner

- Versus -

1. Sri Longjam Ibochouba Singh, aged about 60 years, S/o Late L. Ningthemjao Singh of Samaram Mamang Leikai, P.O. Wangjing, P.S. Khongjom, Thoubal District, Manipur-795148.

....Principal Respondent

2. Smt. Rajkumari Santilata Devi, aged about 62 years, W/o Leikangbam Rupachandra Singh of Uripok Khwai Brahmapur, P.O. Imphal, P.S. Lamphel, Imphal West District, Manipur-795001.

...Proforma Respondent

BEFORE

HON'BLE THE CHIEF JUSTICE MR. SANJAY KUMAR

12.01.2023

This revision petition, filed under Article 227 of the Constitution, arises out of the order dated 03.06.2022 passed by the Revenue Tribunal, Thoubal, in Revenue Revision Case No. 11 of 2022. The petitioner is a third party to the said revision case.

Heard Ms. G. Pushpa, learned counsel for the petitioner; Mr. Liaquat Ali, learned counsel for respondent No. 1, the petitioner in Revenue Revision Case No. 11 of 2022; and Ms. Momota Devi Oinam, learned counsel for respondent No. 2, the respondent in Revenue Revision Case No. 11 of 2022.

Revenue Revision Case No. 11 of 2022 was preferred by respondent No. 1 herein under Section 95 of the Manipur Land Revenue and Land Reforms Act, 1960, against the order dated 30.05.2022 passed by the Sub-Deputy Collector, Khongjom, in Revenue Misc. Case No. 48 of 2021. The said

miscellaneous case was filed by respondent No. 1 herein under Section 81(2) of the Manipur Land Revenue and Land Reforms Act, 1960, seeking to exercise the first option to purchase the land in Patta No. 352(old), 447(new) covered by C.S. Dag No. 1195 measuring an area of 1.0700 hectares in Village No. 38, Kang Samaram. However, the Sub-Deputy Collector noted in the order dated 30.05.2022 that the said land was the subject matter of the registered gift deed bearing Document No. 565(V-I) dated 02.02.2021. Be it noted that the petitioner herein was gifted the said land under this registered gift deed by respondent No. 2 herein, who was shown as the sole respondent in Revenue Misc. Case No. 48 of 2021. The Sub-Deputy Collector, Khongjom, further noted that he had no power to cancel the registered deed which had already been acted upon in Mutation Case No. 300/SDC/KJM, vide order dated 17.07.2021, and accordingly dismissed the application filed by respondent No. 1. He, however, left it open to the interested parties to approach a higher Court.

Despite knowledge of the registered gift deed, whereby respondent No. 2 herein had gifted the said land to the petitioner, respondent No. 1 herein chose to file Revenue Revision Case No. 11 of 2022 before the Revenue Tribunal, Thoubal, arraying only respondent No. 2 herein as the sole respondent. Surprisingly, the Revenue Tribunal, Thoubal, failed to note that the order dated 30.05.2022 of the Sub-Deputy Collector, Khongjom, specifically referred to the third-party interest created by the execution of the registered gift deed and straightaway entertained the revision case. Further, by the impugned order dated 03.06.2022, the Tribunal stayed the operation of the order dated 30.05.2022. Stay of the said order had no meaning whatsoever as the Sub-

Deputy Collector, Khongjom, had merely refused to entertain the application filed by respondent No. 1. Stay of operation of such order had no consequence. In any event, on 12.07.2022, as the Tribunal had entertained the Revenue Revision Case ignoring the crucial fact that the revision case suffered from non-joinder of a necessary party, this Court granted interim stay of the operation of the order dated 03.06.2022 passed by the Revenue Tribunal, Thoubal, in Revenue Revision Case No. 11 of 2022.

This being the factual matrix, Mr. Liaquat Ali, learned counsel for respondent No. 1, states that he would now take steps to implead the petitioner as a party respondent in Revenue Revision Case No. 11 of 2022 on the file of the Revenue Tribunal, Thoubal. He further states that he was ignorant of the identity of the petitioner herein and that was the reason why steps were not taken before the Tribunal earlier.

Accepting his submission, CRP(CRP.Art.227) No. 32 of 2022 is allowed. The order dated 03.06.2022 passed by the Revenue Tribunal, Thoubal, in Revenue Revision Case No. 11 of 2022 is accordingly set-aside. Respondent No. 1 herein, the petitioner in Revenue Revision Case No. 11 of 2022 on the file of the Revenue Tribunal, Thoubal, is permitted to implead the petitioner herein as a party respondent in the said revision case. The Revenue Tribunal shall consider prayer for interim relief, if any, in the said revenue revision case only after effective appearance of the petitioner by filing her reply therein.

In the circumstances, there shall be no order as to costs.

CHIEF JUSTICE