

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

**MC(Review.Pet.) No. 13 of 2022**

1. Chief Engineer, IFCD (now WRD), Government of Manipur.
2. Executive Engineer, Flood Control Division – II, (FCD – II), IFCD (now WRD), Government of Manipur.

***...Applicants/Review Petitioners***

**- Versus -**

1. Athokpam Lokendro Singh, aged about 29 years, S/o (Late) Athokpam Sammu Singh of Haoreibi Mayai Leikai, P.S. Wangoi, Imphal West District, Manipur.

***...Principal Respondent***

2. The State of Manipur, represented by Chief Secretary, Government.
3. The Commissioner, IFCD (now WRD), Government of Manipur.
4. Superintendent Engineer, Flood Management Circle, IFCD Department (now WRD), Manipur.
5. Assistant Surveyor of Works – I, IFCD Department (now WRD), Manipur.
6. Deputy Commissioner (LA), Imphal West.

***...Proforma Respondents***

**B E F O R E**

**HON'BLE THE CHIEF JUSTICE MR. SANJAY KUMAR**

|                              |                                 |
|------------------------------|---------------------------------|
| For the applicants           | : Mr. M. Rarry, Advocate        |
| For the principal respondent | : Ms. Reena Chongtham, Advocate |
| <b>Date of order</b>         | <b>: 20-01-2023</b>             |

**ORDER**

[1] By way of this miscellaneous case, two Engineering Officials of the Flood Control Division, now Water Resources Department, seek condonation of the delay of 338 days in seeking review of the order dated

09-05-2019 passed by a learned Judge of this Court in WP(C) No. 1014 of 2015.

**[2]** Heard Mr. M. Rarry, learned counsel for the applicants; and Ms. Reena Chongtham, learned counsel, appearing for the principal respondent, the petitioner in WP(C) No. 1014 of 2015.

**[3]** By the order dated 09-05-2019, the learned Judge noted the claim of the writ petitioner that he was the son of late A. Sammu Singh of Haoreibi Mayai Leikai, Imphal West, and had inherited from him the agricultural land under Patta No. 72/272 (Old) corresponding to New Patta No. 93 covered by C.S. Dag No. 2 of Village No. 72-Haoreibi, Imphal West District, measuring an area of 0.53 acre. Basing thereon, the learned Judge granted him relief with regard to being compensated for the use of the said land by the authorities.

**[4]** As per the miscellaneous case now filed, the stand of the Engineering Officials of the Flood Control Division, now Water Resources Department, is that in the course of complying with the direction of the learned Judge, a detailed enquiry was made and it was found that the name of the writ petitioner's father was never entered in the revenue records as the owner of the said land and, therefore, he could not have inherited it from him. It is on this basis that review is being sought of the order passed in the writ petition. The applicants specifically alleged that the order was secured by a conscious fraud played by the writ petitioner before the Court. As this relevant fact came to light only during the course of complying with the order, after institution of contempt proceedings, the applicants sought condonation of the delay of 338 days in presenting the review petition.

[5] Significantly, the principal respondent filed a reply, wherein he ambiguously stated that he had made an averment in the writ affidavit that he had inherited the subject land from his father due to a bonafide mistake.

[6] As fraud would vitiate everything and the specific allegation of fraud made by the review applicants requires to be examined in the light of the aforesaid admission made by the writ petitioner, this Court finds sufficient grounds made out to condone the delay.

[7] MC(Review.Pet.) No. 13 of 2022 is accordingly allowed, condoning the delay of 338 days in the presentation of the review petition in relation to the order dated 09-05-2019 passed in WP(C) No. 1014 of 2015.

[8] The Registry is directed to number the review petition, if it is otherwise found to be in order, and list the same with CONT.CAS(C) No. 145 of 2019 on 17-02-2023.

**CHIEF JUSTICE**

*Victoria*

NINGOMBAM  
VICTORIA

Digitally signed  
by NINGOMBAM  
VICTORIA  
Date: 2023.01.20  
17:16:43 +05'30'