

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

WP(C)No.864 of 2019

Poubi R. Naga aged about 54 years, son of late Alemba Kabui, Khullakpa/Chief/ Headman of Maha Kabui (Namching) Village, Saitu Gamphazol Sub-Division, PO-Langjing Achouba, PS-Patsoi, Sub-Division: Sadar Hills West, Kangpokpi District, Manipur

...Petitioner

- Versus -

State of Manipur, represented by Secretary(TA & Hills), Government of Manipur, New Secretariat, North Block, Babupara, PO & PS: Imphal, District: Imphal West, Manipur & 4 Ors.

...Respondents

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

28.03.2023

[1] Heard Mr. D. Julius Riamei, learned counsel appearing for the petitioner, Mr. Th. Henba, learned counsel appearing for the respondent No.5 and Mrs. CH. Sundari, learned GA for the State respondents.

[2] This writ petition has been filed seeking the prayers as follow:

i) Pass an order or direction by issuing a writ of Certiorari or a writ in the nature of a writ of Certiorari or any other appropriate writ or order or direction as this Hon'ble Court may deemed fit and proper in the facts and circumstances of the case to quash the Order dated 28.09.2019 passed by the Respondent No. 1 and orders dated 19.02.2009 and 18.05.2015 passed by the Sub Divisional Officer, Saitu Gamphazol, Kangpokpi District, Manipur, the Respondent No 3 herein;

[3] Mr. D. Julius Riamei, learned counsel appearing for the petitioner represented that pursuant to the order passed by the authority on 28.09.2019, the 5th respondent was approved as Chief of the Natok Kabui village. Therefore, he challenge the said order in this writ petition.

[4] Mr. Henba, learned counsel appearing for the respondent No.5 represented that he has filed an additional affidavit dated 15.03.2023 in which he enclosed representation sent to Additional Chief Secretary(TA& Hills) dated 05.12.2022 in which para 6, 7 & 8 are stated as follows:

"6. In order to settle peacefully, I had requested the authority of the said Mahakabui @Namching village for allowing me and my men, residing in the said portion of land purchased from the authority of the said village, to become villagers of Mahakabui @ Namching Village and also to allow me to abandon my right and title over the said portion of land in favour of the said Mahakabui @ Namching village. The members of said Pei @ Thoubai of MahaKabui @ Namching village along with Village Authority members and others

had considered my said request thoroughly and had agreed my said request on 03/01/2022.

7. On 08/10/2022, I along with the representatives of the Pei @ Thoubai of the Mahakabui @ Namching village had executed a deed of declaration, declaring that I along with my men have become villagers of Mahakabui @ Namching village and the said portion of land purchased from the Mahakabui @ Namching village shall be the land of the Mahakabui @ Namching village. However the portion of land purchased from Ningkhonlung Gangmei shall be occupied and enjoyed by me as my personal property.

8. I beg to state that I am no longer the Chief of Natok Kabui Village and I along with my men are now the villagers of the Mahakabui @ Namching Village.

In the light of the above, Your goodself be pleased take notice of the said facts and circumstances and to issue necessary order with respect to recognition of Natok Kabui Village in the interest of justice.”

[8] Therefore, in this said representation dated 05.12.2022, Mr. Th. Henba, learned counsel appearing for the respondent No.5 represented that the respondent No.5 has abandoned his right title of the Chief of Natok Kabui Village and he along with his men are now the villagers of the Mahakabui @ Namching Village. He further represented that the said representation is still pending before the authority concerned without passing any order and therefore, he prayed this Court to issue direction to the respondent No.1 to pass appropriate order on the representation dated 05.12.2022.

[9] Mrs. CH. Sundari, learned GA agreed that the State respondents are ready to pass appropriate orders on the representation of the 5th respondents dated 05.12.2022 and suitable orders may be passed.

[10] Considering the arguments advanced by both the counsels, I am inclined to pass the following orders.

- (a) This writ petition is disposed of.
- (b) The impunged order dated 28.09.2019 passed by the respondent No.1 is set aside and the respondent No.1 is hereby directed to pass appropriate order on the representation dated 05.12.2022 submitted by the respondent No.5 by giving fair opportunity to both the parties.
- (c) The said exercise shall be done within a period of 3(three) months from the date of receipt of a copy of this order.

ACTING CHIEF JUSTICE

John kom