

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

CRP No.1 of 2022

LAISHRAM IBOMCHA ALIAS IMOCHA SINGH AND 6 OTHERS

.... *Petitioner/s*

- Versus –

R.K. SURENDRO SINGH

.... *Respondent/s*

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

ORDER

03.03.2023

Present Mr. A. Golly, learned counsel for the petitioners and Mr. RK Birla, learned counsel for the respondent.

[2] Mr. A. Golly, learned counsel for the petitioners submits that the petitioner herein approached the Court of Ld. Survey and Settlement Officer No.1, Manipur by way of an appeal being Appeal Case No.9 of 2021 for interalia praying for cancellation of the respondents' names and to maintain the name of the original owner in connection with a piece of land under Patta No.315 (New) covered by C.S. Dag No.7167 measuring an area of .0082 hectare situated at Village No.95, Moreh, Tengnoupal District, Manipur and another piece of land under Patta No.314 (New) covered by CS Dag No.7166 measuring an area of .0082 hectare situated at Moreh, Tengnoupal District, Manipur. The Court of Survey and Settlement Officer No.1 issued a notice dated 08.10.2021 to the respondent herein. Being

aggrieved by the notice dated 08.10.2021, the respondent herein, filed Revenue Revision Case No.45 of 2014 under Section 95 of the Manipur Land Revenue and Land Records Act, 1960.

Vide order dated 24.05.2022 in Revenue Revision Case No.45 of 2021, the Ld. Tribunal, Manipur framed a preliminary issue, i.e., (whether the present Revision Petition is maintainable or not without filing any impugned order in the Revision Petition?).

The Ld. Tribunal, Manipur framed the preliminary issues as the Revision Petition was filed against a notice and not against any speaking order.

[3] Relying upon the judgment passed by the Hon'ble Division Bench of ***Gauhati High Court, Agartala Bench in (1989) 1 GLR 346***, the Ld. Tribunal said that the preliminary issue becomes infructuous and redundant.

Vide impugned order dated 08.06.2022, the Ld. Tribunal, Manipur decided that the Revision Petition is maintainable on a notice and the preliminary issue has become infructuous and redundant and the reason being the entire case record from the Appellate Court was submitted to the Ld. Tribunal, Manipur.

Being aggrieved by the impugned order, the petitioner herein approached this Court by way of a Revision Petition under Section 115 of CPC on the ground that the Revision Petition under Section 95 of the MLR and LR Act was not maintainable as there was no speaking order and the

Revision Petition under Section 95 of the Act is maintainable against only any order.

[4] Mr. RK Birla, learned counsel for the respondent has raised the question of maintainability of the present Revision Petition filed by the petitioner under Section 115 of CPC on the basis of a judgment passed by ***Gauhati High Court, Imphal Bench reported as AIR 1981 Gauhati 55*** wherein, it was held that Revision Petition under Section 115 CPC is not maintainable against an order passed by the Revenue Tribunal under Section 95 of the MLR Act, 1960 and the same ought to be filed under Article 227 of the Constitution.

[5] During the course of hearing, both the counsels fairly admit that there is no speaking order from the Court of Ld. S & SO-1 and the Revision Petition under Section 95 of MLR & LR Act was against a notice and the main issue is to be decided before the Ld. S & SO-1, Manipur.

Both the counsels have agreed to the suggestion of this Court that the matter be heard on merit by the Appellate Court by considering all the issues raised by the parties on preliminary as well as on merit.

[6] Without going into the merit of the case including the maintainability of the Revision Petition before this Court and before the Ld. Tribunal, it will be suffice if the Ld. S & SO-1 decides the appeal being Appeal No.9 of 2021 pending before it by a speaking order by considering the rival issues raised by both the parties on all points including preliminary as well as merit.

[7] With these observations, the Revision Petition is disposed of with a direction that the Ld. S & SO-1, Manipur shall dispose the Appeal pending before it expeditiously, preferably within a period of 3(three) months from the date of receipt of this order.

[8] With these observations, the Revision Petition No.45 of 2021 pending before the Ld. Revenue Tribunal, Manipur has become infructuous and the Lower Court record be remitted back to the Court of Ld. S & SO-1, Manipur.

[9] Furnish copy of this order to the parties during the course of the day either by whatsapp or e-mail.

[10] Send a copy of this order to the Ld. Revenue Tribunal, Manipur and Ld. Court of S & SO-1, Manipur for information and necessary compliance. No costs.

[11] This Court expresses appreciation to the fairness of both the learned counsels in agreeing for the matter to be remitted back to the Court where the real dispute is pending.

JUDGE