

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

MC(WA) No. 70 of 2018

With

MC(WA) No. 71 of 2018

With

WA No. 55 of 2018

Leingangching, (S. Long) Shanaolong Ukhrul District, Manipur, represented by its President Sosophy S.P., aged about 35 years, D/o Late R.K. Shimray, Leingangching, Ukhrul (Now Kamjong) District, P.O. & P.S. Litan – 795145 Ukhrul District (now Kamjong District), Manipur.

... Applicant/ Appellant

- Versus -

1. Shri Yangmi Haorie, aged about 42 years, S/o H. Vareichin, resident of Leingang Ching (S. Laho), P.O. & P.S. Litan, Ukhrul District, Manipur, at present Litan, P.O. & P.S. Litan -795145 Ukhrul District (now Kamjong District), Manipur.
2. Shri R. Moon, aged about 70 years, S/o Late R. Ayok, resident of Leingang Ching (S. Laho), P.O. & P.S. Litan Ukhrul District, Manipur, at present Litan, P.O. & P.S. Litan-795145 Ukhrul District (now Kamjong District), Manipur.
3. Shri R. Yuimi, aged about 35 years, S/o R. Moon, resident of Leingang Ching (S. Laho), P.O. & P.S. Litan, Ukhrul District, Manipur, at present Litan, P.O. & P.S. Litan-795145 Ukhrul District (now Kamjong District), Manipur.
4. Shri R. Robin, aged about 30 years, S/o R. Moon, resident of Leingang Ching (S. Laho), P.O. & P.S. Litan, Ukhrul District, Manipur, at present Litan, P.O. & P.S. Litan – 795145 Ukhrul district (now Kamjong District), Manipur.

...Respondents/Petitioners

5. The State of Manipur, through the Addl. Chief Secretary (Home), Government of Manipur, Imhpal Manipur- 795001.
6. The Director General of Police, Government of Manipur, Imphal – 795001.
7. The Deputy Commissioner-Cum-District Magistrate, Ukhrul, Imphal – 795001.

8. The Superintendent of Police, Ukhrul District, Government of Manipur-795142.
9. The Sharkaphung Village Authority represented by its Chairman/Headman of Sharkaphung Village, Shri Wungreikhan Kasar, aged about 30 years, resident of Sharkaphung Village, P.O. & P.S. Litan-795145 Ukhrul District (now Kamjong District), Manipur.
10. The Leingangching Village Authority represented by its Chairman Shri S.W. Shoknganing, aged about 55 years, S/o Late S.W. Kuingai, resident of Leingangching, P.O. & P.S. Litan – 795145 Ukhrul District (now Kamjong District), Manipur.
11. The Deputy Commissioner, Kamjong District, Kamjong, Govt. of Manipur, Kamjong, Manipur – 795001.

... Proforma Respondents

B E F O R E

**HON'BLE THE ACTING CHIEF JUSTICE MR. MV MURALIDARAN
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

For the petitioner	:	Mr. M. Ibohal, Advocate.
For the respondents	:	Mr. Mark Khapai, Advocate for respondent Nos. 1-4.
		Mr. R.K. Umakanta, G.A. for respondent Nos. 5-8 & 11.
Date of Order	:	27.04.2023

O R D E R

A. Guneshwar Sharma, J.

[1] The present application being MC(WA) No. 70 of 2018 is filed by the appellant seeking leave of this Court to file appeal against the impugned judgment and order dated 16.01.2018 passed by learned Single Judge of this Court in W.P. (C) No. 651 of 2017. By the impugned order, the learned Single Judge held in para nos. 56 & 57 as follows:

"[56] This Court also for the reasons discussed above holds that the expulsion and banishment of the petitioners from the village by the Village Authority of Leingangching village, was also actuated by religious motive based on the village

constitution which lays down that there shall not be any denominational activity dividing the existing religion of Baptist Christianity.

[57] For the reasons discussed above, this Court holds that the aforesaid provision of the village constitution under Paragraph no. 18 thereof that there shall not be any denominational activity dividing the existing religion, i.e., Baptist Christianity, is unconstitutional and hence illegal and void, being violative of Articles 25 & 26 of the Constitution of India."

[2] The main ground for seeking leave to appeal is that the applicant/appellant herein was not impleaded as respondent in the writ petition and the impugned order has violated the right of the appellant's member under article 14 & 15 of the Constitution. The applicant/appellant also filed an application being MC(WA) No. 71 of 2018 for condonation of delay of 270 days in filing accompanying writ appeal being W.A. No. 55 of 2018.

[3] On 06.04.2023, when the matter was taken up Mr. Mark Khapai, learned counsel appearing for respondent Nos. 1 to 4, placed on record a copy of the order dated 04.05.2019 issued by the Deputy Commissioner, Kamjong District, whereby direction of the learned Single Judge in the impugned order dated 16.01.2018 in W.P. (C) No. 651 of 2017 had already been complied and submitted that no cause survived in the appeal. Mr. M. Ibohal, learned counsel for the applicant, sought time to verify and to advance his argument.

[4] On perusal of the record, it is seen that a contempt petition being Contempt Case(C) No. 141 of 2018 was filed for noncompliance of the order dated 16.01.2018 in W.P. (C) No. 651 of 2017. Vide order dated 08.05.2019, the contempt case was closed as the direction of the learned Single Judge was already complied by order dated 04.05.2019 issued by the Deputy Commissioner, Kamjong, whereby the Village authority of Leinganching village was directed to allow the writ petitioners to

settle in Leinganching Village in compliance of the learned Single Judge order dated 16.01.2018 in W.P. (C) No. 651 of 2017. The order dated 04.05.2019 of Deputy Commissioner, Kamjong, reads as follows:

"No. 44/1/(REV)C.C/DC-KMJ-2017/(Pt)/1320: Whereas, the Honb'e High Court of Manipur has passed an Order in the W.P.(C) No. 651 of 2017 dated 16.01.2018 whereby it observed and held that the expelling/banishing of the petitioners from Leinganching village by the Village authority of Leinganching Village was found to be violative of the basic principles mentioned in the Constitution of India and that the petitioners have the Fundamental right to reside and settle in Leinganching Village in their respective residences/Homes in Leinganching Village. Whereas, a contempt notice was served to the undersigned vide Contempt case (C) No. 141 of 2018 with reference to Writ Petition (C) No 651 of 2017 for compliance of the Hon'ble High Court's order on the 31st of August, 2018. Now therefore, in compliance of the Hon'ble High Court's Order in the W.P. (C) No. 651 of 2017 dated 16.01.2018, it is hereby directed to the Village Authority of Leinganching Village to allow the petitioners to enter and settle in Leinganching Village."

[5] Mr. Mark Khapai, learned counsel for respondent Nos. 1 to 4, submits that in view of the order dated 08.05.2019 in CONT. CAS.(C) No. 141 of 2018 and order dated 04.05.2019 issued by the Deputy Commissioner, Kamjong, no cause survives in the writ appeal filed by the applicant/appellant and prays that the applications and the appeal may be closed. Mr. R.K. Umakanta, learned Government Advocate for the State respondents, has also supported the submission of Mr. Mark Khapai, learned counsel for respondent Nos. 1 to 4.

[6] Mr. M. Ibohal, learned counsel for the applicant/appellant submits that liberty may be given to challenge the order dated 04.05.2019 passed by the Deputy Commissioner, Kamjong.

[7] Heard learned counsel for the parties and perused the materials on record. We are of the view that in view of the order dated 08.05.2019 in CONT.CAS(C) No. 141 of 2018 and the order dated 04.05.2019 passed by the Deputy Commissioner, Kamjong, no cause survives in the present appeal. Accordingly, application MC(WA) No. 70 of 2018 seeking leave to file appeal and application MC(WA) No. 71 of 2018 for condonation of 270 days and writ appeal WA No. 55 of 2018 are closed. However, the applicant is at liberty to challenge the order dated 04.05.2019 passed by the Deputy Commissioner, Kamjong, before the competent forum, if so advised.

[8] With the above observations, the writ appeal and the connected applications are disposed of.

JUDGE

ACTING CHIEF JUSTICE

Indrajeet

FR/NFR