

Item No. 9

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL****W.A. No. 57 of 2019**

1. Lt. Colonel R.P. Nanda, Officer Commanding (OC) No. 2 FID, M Sector Imphal, P.O. Imphal, P.S. City Imphal West District, Manipur – 795001.
2. Colonel Ranjan Singh, Ex-Commanding Officer, 3 Corps Int & Svl Unit, PIN : 908503, C/o 99 APO.

Appellants**Vs.**

1. Lt. Colonel Dharamvir Singh, aged about 53 years, S/o Late Sub/Clk Kaka Ram, a resident of Behre-da-Khetar, presently posted at: 52, NCC Battalion Nanded, Maharashtra, presently at : All India Radio Staff Colony, Type – II Quarter No. 1, Lamphel, P.O. & P.S. Lamphel, Manipur – 795004.

***Principal Respondent/
Writ petitioner***

2. The State of Manipur represented by the Principal Secretary (Home), Government of Manipur, New Secretariat Building North Block, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.
3. The Officer in-charge, City Police Station, P.O Imphal, M.G. Avenue, Imphal West District, Manipur – 795001.

***Proforma Respondents/
Respondents Nos. 1 & 2
in the Writ Petition.***

BEFORE
HON'BLE THE CHIEF JUSTICE MR. SIDDHARTH MRIDUL
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU KABUI

13.05.2024

Siddharth Mridul, C.J.:

Mr. Kh. Samarjit, learned DSGI, appears on behalf of the appellants; Mr. Shreeji Bhavsar, learned counsel, appears on behalf of the respondent No. 1 and Mr. RK Umakanta, learned GA, appears on behalf of respondents No. 2 and 3.

Col. Mahesh Sharma, DJAG, 3 Corps and Captain Shireen Shukla, OIC Legal Cell are also present in the Court today.

The present appeal has been instituted on behalf of Lt. Colonel R.P. Nanda and another assailing the judgment and order dated 17th September, 2019 in WP(C) No. 151 of 2019, Lt. Colonel Dharamvir Singh Versus the State of Manipur and others.

Learned counsel appearing on behalf of the parties in unison invited the attention to the order dated 29th August, 2019 which reads as follows :

"Heard Mr. Shreeji Bhavsar, learned counsel appearing for the petitioner; Mr. S. Suresh, learned ASG for respondent Nos. 3 & 4 and Mr. Niranjana Sanasam, learned GA for respondent Nos. 1 and 2.

Hearing concluded.

Judgement reserved as regards the matters relating to the issue of maintainability of the writ petition."

A plain reading of the above order dated 29th August, 2019 clearly and unequivocally reflects that on that day, having heard the learned counsel appearing on behalf the parties, the learned Single Judge had reserved the judgment as regards the matter relating to the issue of maintainability of the writ petition.

The grievance articulated on behalf of the appellant that having done so; the learned Single Judge proceeded to determine the writ petition on the merits without affording them any opportunity of being heard.

In view of the foregoing, on a specific query from the Bench, Mr. Shreeji Bhavsar, learned counsel, appearing on behalf of the respondent No. 1 i.e. Lt. Colonel Dharamvi Singh (Retd.) states that he has no objection if the writ petition is remitted back to the learned Single Judge for hearing and adjudication on the merits of the writ petition.

In view of the foregoing, the judgment and order dated 17th September, 2019 in WP(C) No. 151 of 2019 is set aside without expressing any opinion on the merits of the respective rights and contention of the parties and without prejudice to them.

WP(C) No. 151 of 2019 is restored.

The Registry is directed to list this matter before the learned Single Bench for further proceeding and adjudication in accordance with law.

In view of the circumstance that the original writ petition was instituted in the year 2019, it is hope and expected that the learned Single Judge will expedite the hearing and determination of the same.

The writ appeal is disposed of accordingly.

Sushil

JUDGE

CHIEF JUSTICE