

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

WA No. 53 of 2019

Waikhom Leishabi Singh & 16 ors.

Appellants

Vs.

Leitanthem Suchindro Singh & 6 ors.

Respondents

**With
WA No. 55 of 2019
With
MC(WA) No. 58 of 2019
With
MC(WA) No. 59 of 2019**

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

ORDER

24.06.2024

Siddharth Mridul, C.J.:

Mr. Ng. Jotindra Luwang, learned counsel, appears on behalf of the appellants; Mr. A. Romendro Sharma, learned counsel, appears on behalf of respondent Nos. 1 & 2; M. Rarry, learned Special State Counsel, appears on behalf of respondent Nos. 3, 4 & 5; Mr. N. Zequeson, learned counsel, appears on behalf of respondent No. 6; and Mr. Y. Romeshchandra, learned counsel, appears on behalf of respondent No. 7.

The present writ appeals assail the judgment and order dated 03.07.2019 rendered by the learned Single Judge in W.P. (C) No. 829 of 2016, whereby the appellants *inter alia* were directed to vacate and handover vacant possession of the shops allotted to them by the Thoubal Municipal Council *vide* order dated 18.11.2015.

The principal grievance articulated on behalf of the appellants is that no show cause notice or opportunity was afforded to them by the Thoubal Municipal Council before the impugned directions made in the said judgment and order dated 03.07.2019 was passed.

Mr. M. Rarry, learned Special State Counsel, appearing on behalf of respondent Nos. 3, 4 & 5, invites our attention to Sub-Section (5) of Section 63 of the Manipur Municipalities Act, 1994, to urge that no term of lease could, in any event, have been granted to the appellants exceeding a period of 3 (three) years, as was done by the Thoubal Municipal Council. Furthermore, he contends that the said allotment on lease was made without prior approval of the Government.

Having heard learned counsel appearing on behalf of the parties, and in view of the circumstance that 5 (five) years have elapsed since the institution of the present appeals, we dispose of the same, whilst granting liberty to the Thoubal Municipal Council to take appropriate steps in accordance with law to recover possession of the leased premises granted to the appellants in accordance with law, *i.e.*, after affording the latter an opportunity of being heard.

It is further clarified that the Thoubal Municipal Council shall pass a detailed speaking order, after affording the appellants an opportunity of representing against termination of their lease in accordance with law.

Needless to state that, till the rendition of the speaking order by the Thoubal Municipal Council, the possession of the appellants shall not be disturbed.

The above order has been passed with the consent of learned counsel appearing on behalf of the parties.

No further directions are prayed of.

The present writ appeal as well as the connected miscellaneous applications are accordingly disposed of.

Registry is directed to furnish a copy of this order to all the learned counsel appearing for the parties.

Sandeep

JUDGE

CHIEF JUSTICE