

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

WP(C) No. 747 of 2022

Okram Isheihanba Singh

...Petitioner/s

Vs.

State of Manipur & 10 ors.

...Respondent/s

B E F O R E

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

30-01-2024

Heard Mr. T. Rajendra, learned senior counsel assisted by Md. Shakir Khan, learned counsel appearing for the petitioner and Mr. Niranjana Sanasam, learned GA appearing for the respondent Nos. 1, 2, 3 & 4 and Mr. B. Roshnikumar, learned counsel appearing for respondent Nos. 8 to 11. None appeared for respondent Nos. 5 to 7 despite service of notice.

[2] The present petition has been filed assailing the order dated 26-08-2022 issued by the Deputy Commissioner, Thoubal.

[3] During the midst of hearing, Mr. Niranjana Sanasam, learned GA submitted that under section 93 and 95 of the MLR & LR Act, 1960, there is provision for filing either an Appeal or Revision against the impugned order passed by the Deputy Commissioner. The learned GA, further submitted that since there is an alternative and effective remedy available to the petitioner, the present writ petition can be disposed of by directing the petitioner to approach the appropriate forum for redressing his grievances. On the other hand, Mr. T. Rajendra, learned senior counsel submitted that as there is time limit prescribed under the said act

for filing either an appeal or revision and as the petitioner approached this Court by filing the present writ petition within time, the present writ petition may be closed by giving liberty to the petitioner to approach the appropriate forum by filing appropriate petition as provided under the MLR & LR act. The learned senior counsel further submitted that a direction may be given by this Court to exclude the period from the date of filing the present writ petition, i.e. 07-09-2022 till the date of filing the said appeal/revision at the time of computing the period of limitation. The learned senior counsel also prays that till the date of consideration of the prayer for passing an interim order by the Tribunal, status quo with regard to the land in question be maintained.

[4] The learned GA submitted that a direction may also be given to the petitioner to approach the appropriate forum within a specified period.

[5] On perusal of the records and after due consideration of the submission made by the learned counsel appearing for the parties, this Court is of the considered view that the Revenue Tribunal will be the appropriate authority to decide the issues involved in the present writ petition and accordingly, the present writ petition is disposed of with the following directions :-

- 1) The petitioner is allowed to withdraw the present writ petition with liberty to approach the appropriate forum for redressing his grievances as provided under section 93 and 95 of the MLR & LR Act;

- 2) The petitioner is at liberty to file an appeal/revision as provided under section 93 and 95 of the MLR & LR Act within a period of 4(four) weeks from today;
- 3) In the event of filing either an appeal/revision within the above specified period, the period from the date of filing this writ petition, i.e., 07-09-2022 till the date of filing either an appeal/revision before the Revenue Tribunal shall be excluded at the time of computing the period of limitation ;
- 4) It is also made clear that till the date of consideration of any prayer for passing an interim order by the Revenue Tribunal in the appeal/revision filed by the present petitioner, status quo of the land in question shall be maintained.
- 5) It is further made clear that if the petitioner failed to file either an appeal/revision within the stipulated period of 4(four) weeks, the Revenue Tribunal is at liberty to pass any appropriate order and the Revenue Tribunal will not be bind by the direction given herein above.
- 6) In the event of filing an application by the petitioner for exemption of filing a certified copy of the impugned order, the Revenue Tribunal is directed to consider it appropriately.

[6] With the aforesaid directions and observations, the present writ petition is disposed of.

JUDGE

Dhakshori

LAISHRAM
DHAKESH
ORI DEVI

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by LAISHRAM
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