

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

CRP(C.R.P.Art.227) No. 29 of 2023

Soram Ningol Tongbram Ongbi Ibechaobi Devi

...Petitioner/s

Vs.

Mutum Thaniljao Singh

...Respondent/s

B E F O R E

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

28-02-2024

Heard Mr. S. Rajeetchandra, learned counsel appearing for the petitioner and Mr. Sachindra, learned counsel appearing for the respondent.

[2] The present petition had been filed assailing the judgment and order dated 01-06-2022 passed by the Revenue Tribunal in Revenue Misc. Case No. 32 of 2021 rejecting the application filed by the petitioner for condoning the delay in filing the connected Revenue Revision case.

[3] The case of the petitioner in brief is that she received a legal notice on 10-02-2021 demanding the annual loushal and on receiving such legal notice, the petitioner's son made an inquiry and found that the respondent's name was also recorded as a co-pattadar in respect of the agricultural land under patta No. 64 (new) covered by C.S. Dag No. 146 measuring an areas of 1.17 acres at village No. 79 Yurembam, Imphal West. After obtaining a certified copy of the said Jamabandi in respect of the aforesaid land, the petitioner came to know that on the basis of an order dated 20-07-2007 passed in the Mutation Case No. 86/SDC/IW(P) of 2007, the name of the respondent was recorded as a co-pattadar in the

said Jamabandi. Thereafter on 22-02-2021, a certified copy of the said order dated 20-07-2007 passed in the aforesaid Mutation case was obtained and subsequently after obtaining legal advice from the counsel engaged by the petitioner, a Revenue Revision case was filed before the Revenue Tribunal challenging the aforesaid order passed in the Mutation case. As there was delay in filing the said Revenue Revision case, an application registered as Revenue Misc. Case No. 32 of 2021 was also filed with a prayer for condoning the delay in preferring the said Revenue Revision.

[4] After considering the said application seeking condonation of delay, the learned Revenue Tribunal passed the impugned judgment and order thereby rejecting the prayer for condoning the delay in preferring the connected Revenue Revision. It has been submitted by the learned counsel appearing for the petitioner that despite the specific pleadings made by the petitioner in the Revenue Revision and in the condonation application to the effect that the petitioner and the respondent are not relatives and that at no point of time they executed any form of deed, agreement etc. and that without any right and proper/valid documents, the mutation has been carried out, the learned Revenue Tribunal rejected the condonation application without considering those pleadings and declined to examine the case on merit.

[5] The learned counsel also strenuously submitted that as there is no valid document/deed transferring the land by the petitioner in favour of the respondent, the mutation has been carried out illegally and

in collusion with the officials and staff of the Sub Deputy Collector, Imphal West, Patsoi and as such, it will be in the interest of justice to consider the said Revenue case on merit. The learned counsel accordingly prays for condoning such delay and also submitted that the petitioner is also agreeable to the payment of cost of Rs. 3000/- (Rupees three thousand) for any difficulty caused to the respondent.

[6] Mr. Sachindra, learned counsel appearing for the respondent submitted that in the order dated 20-02-2007 passed by the SDC, IW(Patsoi) in Mutation Case No. 86/SDC/IW(P) of 2007, it is clearly mentioned that both the parties were present at the time of passing the said Mutation order and as such the petitioner cannot claim that she has no knowledge about the existence of the mutation case.

[7] It has also been submitted by the learned counsel appearing for the respondent that there is gross and inordinate delay in preferring the said Revenue case and as such, there is no infirmity and illegality in the judgment and order passed by the Revenue Tribunal. The learned counsel, accordingly, submitted that the present application deserves to be dismissed as being devoid of merit.

[8] I have heard the submission advanced by the learned counsel appearing for the parties and also examined the materials available on record. It is clearly on record that without any valid deed/document of transfer of the land in favour of the respondent, the SDC allowed the Mutation case. There is also specific averments made by the petitioner in the Revenue Revision as well as in the condonation

application that she has no knowledge about the Mutation and that the same has been done in collusion with the officials of the aforesaid SDC. In view of such pleadings made by the petitioner in the aforesaid Revenue Revision petition as well as in the condonation application, this Court is of the considered view that in the interests of justice, Revenue Tribunal should have examined the matter on merit instead of rejecting the same on the ground of delay in preferring the said Revenue Revision. Moreover as the petitioner has undertaken to pay cost for any difficulty caused to the respondent, this Court is of the considered view that it will served the interest of justice to condone the delay in preferring the said Revenue Revision petition and to hear the same on merit. Accordingly, the present petition is allowed by setting aside the impugned judgment and order dated 01-06-2022 passed by the Revenue Tribunal in Revenue Misc. Case No. 32 of 2021 and to condone the delay in preferring the connected Revenue Revision petition subject to payment of cost of Rs. 3000/- (Rupees three thousand) to be paid by the petitioner to the counsel for the respondents, which shall be done within the period of one week from today. The learned Revenue Tribunal is directed to consider the said Revenue Revision case on merit.

[9] With the aforesaid direction, the present writ petition is allowed.

[10] Before parting with the case, it is made clear that this Court has not decided anything in connection with the merit of the case and that

the learned Revenue Tribunal is not bound by any observation of this Court made herein above.

JUDGE

Dhakeshori