

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

**WP(C) No. 103 of 2025 with
MC(WP(C) No. 94 of 2025**

Achoibam Renubala Devi

.....Petitioner/s

- Versus -

State of Manipur & 5 Ors.

.... Respondent/s

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Order

05.02.2025

[1] Heard Mr. N. Jotendro, learned senior counsel assisted by Mr. Manikanta Sharma, learned counsel for the petitioner.

[2] By the present writ petition under Article 226 of the Constitution, the petitioner approached this Court challenging the order dated Nil passed by the Sub-Deputy Collector, Heingang, Imphal East, Manipur in Demarcation Case No. 649 of 2024 thereby directing for demarcation to be done on 05.02.2025 at 9:50 am. When the matter is taken up today, demarcation has already been conducted.

[3] Mr. S. Niranjana, learned G.A., raises the preliminary objection of the maintainability of the writ petition on the ground that the SDC while passing an order in the demarcation proceeding is a Court within the meaning as defined under Section 81(1) of MLR & LR Act, 1960. As such, writ petition against the order passed in judicial

proceeding is not maintainable before this Court. Learned G.A. further points out that there are provisions under the MLR & LR Act, 1960 for relief, if the petitioner is aggrieved by any order passed by a Revenue Officer.

[4] At this stage, Mr. N. Jotendro, learned counsel for the petitioner, submits that he may be permitted to withdraw the writ petition to approach the appropriate forum.

[5] This Court has perused the provisions of Section 81(1) of the Act which provides that the Revenue Officer shall be a Court while deciding any dispute between the parties and SDC is defined as one of the Revenue Officers in Section 4(i) of the Act. Section 93 provides appellate jurisdiction, Section 95 for revision and Section 96 for review. It may be noted that in the case of **Naresh Shridhar Mirajkar –vs- State of Maharashtra** reported as **AIR 1967 SC 1**, a 7 (seven) Judge Bench of the Hon'ble Supreme Court held that writ petition under Article 226 and 32 of the Constitution does not lie against the judicial order.

[6] This Court is of the opinion that if a party is aggrieved by an order passed in a judicial proceeding, the remedy available to the aggrieved party is to approach the High Court under Article 227 or under Article 136 before the Hon'ble Supreme Court. A writ petition under Article 226 and 32 of the Constitution cannot be invoked against a judicial order.

[7] Admittedly, the present writ petition is against an order passed by the SDC exercising judicial power under Section 52 read

with Section 81(1) of the MLR & LR Act. In the circumstances, writ petition is not maintainable. However, liberty is granted to the petitioner to approach the appropriate forum for his grievances as per rule.

[8] Mr. N. Jotendro, learned senior counsel, prays for some protection till approaching appropriate forum. Till the filing of the appropriate petition before the appropriate forum within one week, the petitioner shall not be evicted from the property under demarcation.

[9] With this observation, writ petition is disposed of. Misc. application is also disposed.

[10] Furnished a copy of this order to the learned counsel for the parties.

JUDGE

Kh. Joshua Maring

**KH. JOSHUA
MARING**

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KH. JOSHUA MARING
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