

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

WP(C) No. 225 of 2019

M. Edith

... Petitioner

Vs.

State of Manipur & anr.

... Respondents

**B E F O R E
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

O R D E R

22-04-2025

Mr. S. Suresh, learned counsel appearing for the Office of the Accountant General raised a preliminary objection with regard to the maintainability of the present writ petition on the ground that the earlier writ petition filed by the present petitioner on the same subject-matter and seeking the same relief was closed earlier by this court without granting relief. The learned counsel further submitted that the present writ petition which is filed by the present petitioner on the same subject-matter and seeking the same relief as in the earlier writ petition is not maintainable. In support of such contention, the learned counsel relied on the judgment rendered by the Hon'ble Supreme Court in the case of **"State of UP & anr. Vs. Labh Chand"**, reported in **(1993) 2 SCC 495** wherein it has been held as under:-

"20. When a Judge of Single-Judge Bench of a High Court is required to entertain a second writ petition of a person on a matter, he cannot, as a matter of course, entertain such petition, if an earlier writ petition of the same person on the same matter had been dismissed already by another Single-Judge Bench or a Division Bench of the same High Court, even if such dismissal was on the ground of laches or on the ground of non-availing of alternate remedy. Second writ petition cannot be so entertained not because the learned Single Judge has no jurisdiction to entertain the same, but because entertaining of such a second writ petition would render the order of the same court dismissing the earlier writ petition redundant and nugatory, although not reviewed by it in exercise of the recognized power. Besides, if a learned Single Judge could entertain a second writ petition of a person respecting a matter on

which his first writ petition was dismissed in limine by another learned Single Judge or a Division Bench of the same court, it would encourage an unsuccessful writ petitioner to go on filing writ petition after writ petition in the same matter in the same High Court, and have it brought up for consideration before one Judge after another. Such a thing, if is allowed to happen, it could result in giving full scope and encouragement to an unscrupulous litigant to abuse the process of the High Court exercising its writ jurisdiction under Article 226 of the Constitution in that any order of any Bench of such court refusing to entertain a writ petition could be ignored by him with impunity and relief sought in the same matter by filing a fresh writ petition. This would only lead to introduction of disorder, confusion and chaos relating to exercise of writ jurisdiction by Judges of the High Court for there could be no finality for an order of the court refusing to entertain a writ petition. It is why, the rule of judicial practice and procedure that a second writ petition shall not be entertained by the High Court on the subject-matter respecting which the first writ petition of the same person was dismissed by the same court even if the order of such dismissal was in limine, be it on the ground of laches or on the ground of non-exhaustion of alternate remedy, has come to be accepted and followed as salutary rule in exercise of writ jurisdiction of courts."

Mr. Kh. Tarunkumar, learned senior counsel appearing for the petitioner submitted that the earlier order dated 27-07-2018 passed by this court in WP(C) No. 186 of 2018 filed by the present writ petitioner is no longer sustainable in view of the decision rendered by this court and upheld by the Hon'ble Apex Court. The learned senior counsel further submitted that the said order has been passed by this court without considering the merit of the case and unless the grievance of the petitioner is adjudicated by this court, the petitioner will be rendered prejudice even though he is entitled to the relief sought for in the present writ petition. However, the learned senior counsel submitted that in view of the judgment passed by the Hon'ble Apex Court, which has been quoted hereinabove, the petitioner may be granted leave to withdraw the present writ petition with liberty to file an appeal against the said order dated 27-07-2018 passed by this court in WP(C) No. 186 of 2018 before the appropriate Division Bench. The learned senior counsel further submitted that the period spent on pursuing the present writ petition i.e., from the date of filing the present writ petition till today be set off while computing the delay in filing the writ appeal.

In view of the submission made by the learned counsel appearing for the parties, the present writ petition is hereby dismissed as being withdrawn with liberty as sought for by the petitioner.

The petitioner is also given liberty to raise before the Appellate Court the point of excluding the period spent in pursuing the present writ petition at the time of computing the delay in filing the appeal by the present petitioner against the said order dated 27-07-2018 passed in WP(C) No. 186 of 2018.

JUDGE

Devananda