

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

Review. Pet. No. 11 of 2023

State of Manipur; & Ors.

Petitioners

Vs.

Potsangbam Jaminikanta Singh; & Anr.

Respondents

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. D. KRISHNAKUMAR
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

30.01.2025

D. Krishnakumar, C.J. :

Mr. Lenin Hijam, learned Advocate General, Manipur, appears for the review petitioners and Mr. T. Momo, learned senior counsel, appears for respondent No. 2. None appears for respondent No. 1.

Respondent No. 1 in the instant review petition has filed PIL No. 34 of 2022, which came to be disposed of by this Court on 04.04.2023 with the following directions:-

"25. Considering the facts and circumstances of the case and the larger public interest involved, the PIL No. 34 of 2022 is disposed of with the following directions:

- (i) The respondent State is directed to decongest the traffic on the National Highway in front of the Old Manipur Secretariat by making arrangements for proper park of vehicles on both sides. Further, the respondent State is directed to strictly enforce the traffic rules to ensure illegal parked vehicles are booked.*
- (ii) The respondent State and the fourth respondent are directed to comply with their contractual obligations qua the completion of construction of Civil Secretariat work.*
- (iii) The respondent State is directed to pay the Outstanding dues as per the RA Bills raised by the respondent No. 4 and also*

approve the rates of deviations and extra items regarding the Civil Secretariat work at earliest.

- (iv) *The respondent State and the fourth respondent are directed to co-operate and work in concert with each other to ensure that the Civil Secretariat work is to be completed within a period of three months from the date of receipt of a copy of this order."*

State of Manipur has filed the instant review petition praying to review/modify the above extracted order dated 04.04.2023 on the following grounds.

- (i) Respondent No. 1 has no locus standi to file the said PIL for the relief as prayed for in the petition.
- (ii) Respondent No. 4, who is a contractor is also impleaded as party in the aforesaid PIL and direction was passed by this Court to settle the outstanding due amount as per the RA Bills raised by respondent No. 4 and also approve the rates of deviations and extra items regarding the Civil Secretariat work at earliest

Though the learned Advocate General, Manipur, raised other grounds in the review petition by stating that subsequently, the contract of respondent No. 4 in the PIL (respondent No. 2 in the present review petition) was cancelled by the department and challenging the said cancellation order, respondent No. 4/respondent No. 2 (the contractor) has filed a writ petition before this Court in W.P. (C) No. 358 of 2023 and the same is pending before the learned Single Judge of this Court.

Learned Advocate General, Manipur, would submit that since respondent No. 1 (the petitioner in the PIL) has not satisfied the rules framed by

this High Court in respect of public interest litigation, the same is liable to be set aside and therefore, he seeks for review of the aforesaid order passed by this court in PIL No. 34 of 2022.

Though notice has been served, none appears for respondent No. 1 in the present review petition (the petitioner in the PIL).

Mr. T. Momo, learned senior counsel appearing for respondent No. 2, the contractor, fairly admits that the work order issued to the contractor was cancelled by the review petitioners department and challenging the said cancellation order, he has filed writ petition being W.P. (C) No. 358 of 2023 and the same is pending before this Court.

Mr. T. Momo, learned senior counsel, further states that he does not wish to go into the merit of the present case and seeks liberty to raise all the grounds before the learned Single Judge in W.P. (C) No. 358 of 2023, including the relief for recovery of the outstanding due amount, if any.

In the circumstances, learned Advocate General, Manipur, states that he does not have any objection in granting aforesaid liberty to respondent No. 2 (the contractor) to agitate all his right before the writ court or any other forum for seeking his relief, as per law.

Learned Advocate General, Manipur, further submits that since the contract awarded to respondent No. 2 (the contractor) was cancelled, the department itself is now carrying out the balance construction work, therefore, further direction given by the high Court for completing the said Secretariat Work

within the stipulated time could not be feasible for the review applicants and hence, learned Advocate General, seeks some time to complete the work.

In view of the above submission made by the parties, Para 25 (ii) & (iii) of the impugned order date 04.04.2023 is set aside and the review petitioners are granted six months' time to complete the Civil Secretariat Work from the date of receipt of a copy of this order.

To the aforesaid extent, order of the PIL is modified and the review petition is allowed.

JUDGE

CHIEF JUSTICE

Sandeep