

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

W.A. No. 17 of 2025

Manipur Hill and Plain Contractors Assn; & Ors.

Appellants

Vs.

State of Manipur; & Ors.

Respondents

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. KEMPAIAH SOMASHEKAR
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH
(ORDER)**

(K. SOMASHEKAR, C.J.)

07.07.2025

[1] Learned counsel for the appellants, Mr. K. Roshan; learned Dy. Government Advocate for respondent Nos. 1-11 & 15, Mr. W. Niranjit; learned counsel for respondent No. 12, Ms. S. Gangarani; learned senior counsel for respondent No. 14, Mr. M. Rarry; are present before the Court physically and learned counsel for respondent No. 17, Mr. E. Lalleiba is appearing through video conferencing.

[2] The present writ appeal has been filed by the appellants/writ petitioners challenging the order dated 21.11.2022 rendered by the learned Single Judge on the writ side in W.P. (C) No. 719 of 2019.

[3] Whereas, learned counsel for the appellants, submits that subsequent to the order dated 21.11.2022 rendered by the learned Single Judge on the writ side in W.P. (C) No. 719 of 2019, the petitioner has filed review petition as under the Order 47 Rule 1 of the CPC but the review petition came to be disposed of by giving liberty.

[4] Whereas, learned senior counsel for respondent No. 14, Mr. M. Rarry, submits that the writ petition was initiated by the petitioners against the respondents but the writ petition was restricted to only respondent No. 17 and whereby issued some directions in respect of the Office Memorandum dated 19.10.1990, order dated 30.04.2008 and Office Memorandum dated 04.10.2008. Learned senior counsel for respondent No. 14 in this matter refers to para 10 of the impugned order rendered by the learned single Judge on the writ side, which indicates that at this juncture, learned counsel for the petitioners submitted that the petitioners are now pressing for prayer (ii) i.e. direction on respondent No. 17 to implement and enforce the Office Memorandum dated 19.10.1990, order dated 30.04.2008 and Office Memorandum dated 04.10.2008.

Apart from that referring to para 10, learned senior counsel for respondent No. 14 in this matter refers to para 12 also which reflects that considering the facts and circumstances in the case and the limited prayer now sought for by the petitioners, this Court directs respondent No. 17 to consider implementation of the Office Memorandum dated 19.10.1990 issued by the Joint Secretary (Finance) Government of Manipur; Office Memorandum dated 04.10.2008 issued by the Principal Secretary (Fin), Government of Manipur and order dated 30.04.2008 issued by the Commissioner (Works) Government of Manipur. The said exercise shall be done within a period of 3(three) months from the date of receipt of this order.

[5] In the meanwhile, recording the submission made by the learned senior counsel for respondent No. 14 that another writ petition is pending on similar fact and wherein learned counsel for the appellants in this matter submits

that even though the writ petition is pending, it is not a similar issue and therefore, keeping in view the status in this matter are concerned, the learned counsel for the appellants be directed to clarify the status of Section 11 of CPC in explanation I-VIII and inclusive of Section 115 of the Indian Evidence Act, 1872, relating to doctrine of law, it is open to entertain this appeal to answering to that and the grounds which has urged in this appeal matters and more so, learned counsel for the appellants be directed to clarify the status relating to disposal of the review petition as being initiated keeping in view the provision under Order 47 Rule 1 of CPC for invariably reviewing the order in respect of the clerical mistake or any automatic mistake, but there is no clerical or automatic mistake, it is only for seeking some direction to respondent No. 17 as per the para 10 and para 12 of the order rendered by the learned Single Judge on the writ side.

These are all the status which are submitted by the learned counsel for the appellants and inclusive of learned counsel for the respondents.

[6] Therefore, learned counsel for the appellants be directed to clarify the aforesaid provisions of law to persuade this writ appeal proceeding in further relating to whether any legality in question or any absurdity in question would be involved in this writ appeal proceeding. However, this writ appeal is nothing but the continuity of the proceeding but this writ appeal has been initiated by the appellants/petitioners against the respondents relating to the order rendered by the learned Single Judge on the writ side in W.P. (C) No. 719 of 2019 in respect of the Office Memorandum dated 19.10.1990, order dated 30.04.2008 and Office Memorandum dated 04.10.2008.

[7] Whereas, in W.P. (C) No. 719 of 2019 *vide* Annexure D/2 wherein at page 33 in unnumbered para in that page, indicating that the petitioners submitted representation dated 09.07.2019 to the Chief Engineer, RED/MSRRDA and another representation dated 14.08.2019 seeking for implementation of the O.M.s dated 19.10.1990 (at Annexure-A/1), order dated 30.04.2008 (Annexure-A/2) and O.M. dated 04.10.2008 (Annexure-A/3) but till today, the representations were not considered and disposed of.

[8] Therefore, keeping in view the aforesaid observations made in the proceeding in W.P. (C) No. 719 of 2019 *vide* Annexure-D/2 are concerned, learned counsel for the appellants in this matter be directed to clarify the status and also position to persuade this writ appeal.

[9] In the meanwhile of completion of the submission made by learned counsel for the respondents inclusive of learned counsel for the appellants and whereby, the writ petition has been disposed of by rendering an order restricted to the prayer (ii) in respect of respondent No. 17 to consider the direction and the same has been indicating in para 10 and para 12 of the order rendered by the learned Single Judge on the writ side.

[10] However, learned counsel for the appellants in this matter seeks some liberty to proceed in further to initiate the petition as under the relevant provision of the Articles of the Constitution of India.

[11] Therefore, keeping in view the submission made by learned counsel for the appellants in this matter, it is deemed appropriate that the counsel for the appellants/petitioners in the writ side be granted liberty to initiate the

proceeding in accordance with law. Accordingly, this writ appeal is hereby disposed of.

[12] In the meanwhile, it is clarified that the writ petition as initiated by the petitioner in W.P. (C) No. 719 of 2019 and whereby there is an order rendered by the learned Single Judge dated 21.11.2022 restricting the prayer (ii) in respect of respondent No. 17 and whereby seeking some direction. That order is intact.

[13] Accordingly, made an observation.

[14] Further, keeping in view the submission made by the learned counsel for the parties, it is deemed appropriate to made an observation that whatever the observation made in this matter, it should not come in the way for initiation of proceeding in accordance with law.

Sandeep

JUDGE

CHIEF JUSTICE