

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

Review. Pet.No.13 of 2022

Ref: WP(C)No. 487 of 2022

The Modern College, Porompat, Imphal East represented by its Principal,
Modern College, PO & PS Porompat, Imphal East District, Manipur-
795005.

Petitioner

Vs.

Shri Bijoy Koijam, aged about 60 years old S/o K. Yaima Singh, a resident
of Thongju Pheija Leiton, PO & PS Singjamei, Imphal East District,
Manipur-795008 & **2 Ors.**

Respondents

**BEFORE
HON'BLE THE CHIEF JUSTICE MR. D. KRISHNAKUMAR**

16.01.2025

Mr. A. Golly, learned counsel, appears for the Review Petitioner; Mr.
N. Jotendro, learned senior counsel assisted by Mr. Syed Murtaza Ahmed,
learned counsel, appears for respondent No.1 and Mr. W. Niranjit, learned Deputy
GA appears for respondent Nos.2 & 3.

Since review petition has been filed before this Court in WP(C)No.487
of 2022, this Court passed an order as follows:

*"6. When the matter is taken up today, I heard all the parties concerned.
The Demarcation case No.9/AS & SO-XI is still pending before the
Assistant Survey Officer & Survey Officer, the respondent No.2 herein
which fact is admitted by both the parties, particularly, the respondent
No.3. Therefore, admittedly, the prayer sought for is only to complete
the Demarcation case No.9/AS & SO-XI within stipulated period of time.*

“7. If this Court consider the prayer sought for by the petitioner, there is no prejudice caused to the respondent Nos. 1 to 3 since all the respondents appearing in this case also admitted that the Demarcation case No.9/AS & SO-XI is still pending before the Assistant Survey Officer & Survey Officer, the respondent No.2.

“8. Therefore, I heard the submissions advanced by both the counsels. As per law it is the bounden duty of the respondent No.2 to complete the demarcation case as early as possible and to pass orders. Therefore, I am inclined to dispose of the writ petition by directing the respondent No.2 by namely the ASO & SO-XI, Lamphelpat, Imphal to dispose of the above mentioned Demarcation case No.9/AS & SO-XI and carry out the demarcation of the said land of the petitioner within a stipulated period of time.

“9. Therefore,

(a) this writ petition is disposed of.

(b) the respondent No.2 by namely, the ASO & SO-XI, Lamphelpat, Imphal, PO & PS Lamphel, Imphal West, Manipur is directed to dispose of the Demarcation Case No.9/AS & SO-XI by giving opportunity to both the parties and to carry out the demarcation of the petitioner’s land within a period of 8(eight) weeks form the date of receipt of copy of this order.

(c) the petitioner and the respondent No.3 are directed to cooperate with the respondent No.2 during the proceedings of the said demarcation for completing the same within a stipulated period of time as fixed by this Court.”

The said order has been passed in presence of the learned counsel for the parties. Now, the review application has been filed by the review applicant by alleging that without giving opportunity to the review applicant, the third

respondent of the review petition has now initiating the proceedings and pass order without providing opportunity to the review applicant. Further, it has been submitted that the aforesaid writ petition can be disposed of by directing the second respondent of the writ petition/ third respondent of the review petition to dispose of the aforesaid Demarcation case No.9/AS & SO-XI within stipulated period of time. Therefore, he has filed the instant review petition before this Court.

Mr. N. Jotendro, learned senior counsel appearing for respondent No.1 and Mr. W. Niranjit Deputy GA, appearing for respondent Nos.2 & 3 would also state that the third respondent of the review petition has not passed final order as directed by this Court and only notice has been served to the parties. Therefore, they seek for dismissal of the instant review petition.

Considering the facts and circumstances of the review petition, this Court is of the view that the third respondent of the review petition has not passed any order as directed by this Court. Since the review applicant has made allegation that without providing opportunity to the review applicant, the third respondent of the review petition is initiating the proceedings and to pass final order but the said allegation is only apprehension of the review applicant.

Considering the submissions by the respondents, this Court is directing the authority concerned to consider and pass orders as per rules after providing opportunity to the review applicant by submitting objection, if any, within a period of 4(four) weeks from the date of receipt of the notice from the third respondent of the review petition and thereafter, the third respondent of the review

petition shall proceed and to pass orders in accordance with law as early as possible within a period of 12(twelve) weeks.

With the above observations, review petition is disposed of.

It is made clear that whatever statements made before this Court shall not influence the AS&SO-XI while deciding the case but on its own merits in accordance with law.

CHIEF JUSTICE

John Kom