

**REPORTABLE****IN THE HIGH COURT OF MANIPUR
AT IMPHAL****CRP No. 3 of 2020**

AG. Namsulung, aged about 37 years, S/o (L) A.G. Ramphun, a permanent resident of Duigailong Village, P.O. & P.S. Tamenglong, Manipur

.....*Petitioner/s*

-Versus-

1. AG. Guitiu, aged about 71 years, S/o (L) A.G. Dilinang a permanent resident of Duigailong Village, P.O. & P.S. Tamenglong, Manipur.
2. The State of Manipur represented by the Principal Secretary/Commissioner (Tribals & Hills), Government of Manipur having its office at Secretariat Building, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur.
3. The Additional Chief Secretary (Tribals & Hills), Government of Manipur having its office at Secretariat Building, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur.
4. The Deputy Commissioner, Tamenglong District, P.O. & P.S. Tamenglong, Manipur.
5. The Sub-Divisional Officer, Tamenglong, P.O. & P.S. Tamenglong, Manipur.
6. Mr. A. G. Namjailung, aged about 70 years, S/o (L) A.G. Dilinang a permanent resident of Duigailong Village, P.O. & P.S. Tamenglong, Manipur.
7. Mr. A. G. Ramthinkamang, aged about 66 years, S/o (L) A.G. Dilinang a permanent resident of Duigailong Village, P.O. & P.S. Tamenglong, Manipur presently residing at New Jelukie, near Zeme Church, Paren District, Nagaland.
8. Mr. A. G. Namthanbonang, aged about 61 years, S/o (L) A.G. Dilinang a permanent resident of Duigailong Village, P.O. & P.S. Tamenglong, Manipur.



9. Mr. Mark Gonmei, aged about 28 years, S/o (L) A.G. Semeon a permanent resident of Duigailong Village, P.O. & P.S. Tamenglong, Manipur.
10. Mr. Nampongaiyang, aged about 26 years, S/o (L) A.G. Semeon a permanent resident of Duigailong Village, P.O. & P.S. Tamenglong, Manipur.

....Respondent/s

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Order (Oral)

11.08.2026

[1] Heard Mr. D. Julius Riamei, learned counsel along with Ms. Vashum, learned counsel for petitioner; Mr. Th. Henba, learned counsel for respondent No. 1; Mr. S. Nepolean, learned G.A. assisted by Mr. Phungyo Zingkhei, learned Dy. G.A. for respondent Nos. 2 to 5; and none appeared on behalf of respondent Nos. 6 to 10 and they have been proceeded ex parte.

[2] Respondent No. 1 herein filed a civil suit being Original (D) Suit No. 3 of 2019 before the Court of Ld. Civil Judge (Senior Division), Tamenglong, inter-alia, praying for declaration of him as Khunbu of Duigailong Village and also for a decree to declare notification dated 15.12.2018 issued by Additional Chief Secretary (TA & Hills), Government of Manipur. The prayer is reproduced as:

- “(i) A decree declaring that the plaintiffs is the Khunbu of the Guigailong Village.*
- (ii) A decree declaring that the notification dated 15-12-2018 issued by the defendant No. 3 is null and void ab initio.*
- (iii) A perpetual injunction restraining the defendant No. 1, his men, privies and agent from disturbing or interfering with the smooth functioning of the village administration of Duigailong Village by the plaintiff as a Khunbu of Duigailong Village in accordance with the order dated 15-12-2018 issued by the defendant No. 3.*
- (iv) A temporary injunction restraining the defendant No. 1 from interfering in the implementation of the development program/scheme sponsored by the*



Central and State Government for the welfare of Duigailong Village.

- (v) *A temporary injunction declaring that the order dated 15-12-2018 issued by the defendant No. 3 will not be acted upon.*
- (vi) *Any other relief(s) as the Hon'ble Court deem fits and proper.*
- (vii) *Costs of the suit be awarded.*

[3] It may be noted that vide impugned notification dated 15.12.2018 issued by Additional Chief Secretary (TA & Hills), Government of Manipur, the list of elected members of Duigailong Village Authority was issued on the basis of a letter dated 05.04.2018 submitted by Deputy Commissioner, Tamenglong regarding result of election. Scanned copies of notification dated 15.12.2018 and letter dated 05.04.2020 are reproduced as:

MANIPUR GAZETTE
EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 357 Imphal, Thursday, December 20, 2018 (Agrahayana 29, 1940)

GOVERNMENT OF MANIPUR
SECRETARIAT: TA & HILLS DEPARTMENT

NOTIFICATION
Imphal, the 15th December, 2018

No. 172/2018-Hills(TC): Whereas, the result of the Village Authority election held in 2018 for Duigailong Village, Tamenglong sub-division, Tamenglong District have been submitted by the Deputy Commissioner, Tamenglong as per Rule 13 of the Rules for the conduct and election of Members of the Village Authority vide his letter No. DC(TML)/4/VAE/2018 dated 5th April under the Manipur Village (Authority in Hill Areas) Act, 1956.

The list of the elected Members is appended below:-

Sl.	Name of elected Members	Particular/Designation	Remark
1.	Shri A.G Namsulung	Ex-Officio Chairman	Klumba
2.	Shri A.G Guften	Member	Elected
3.	Shri K. Ningtangpao	Member	Elected
4.	Shri G. Danyang	Member	Elected
5.	Shri A. G. Kelsongpang	Member	Elected
6.	Shri A. G. Keiri	Member	Elected
7.	Shri Kakungai Garamnei	Member	Elected
8.	Shri Rinsangmai Gornmai	Member	Elected
9.	Shri Klabaing Gungmai	Member	Elected
10.	Shri K. Thunang	Member	Elected

2. Therefore, the Governor of Manipur is pleased to accord approval to the declaration of the elected persons as Ex-Officio Chairman/Members of the Duigailong Village Authority, Tamenglong Sub-division, Tamenglong District.

By orders & in the name of the Governor,
LETKHOGIN HAKPIU,
Addl. Chief Secretary (TA & Hills),
Government of Manipur.

Printed at the Directorate of Printing & Stationery, Government of Manipur/230-C/20-12-2018.

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True Copy.

Common Seal of the
High Court of Manipur
Imphal, Manipur



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GOVERNMENT OF MANIPUR
OFFICE OF THE DEPUTY COMMISSIONER, TAMENGLONG DISTRICT

ANNEXURE - A/7

No.DC(TML)14/VAE/2018:

Tamenglong, the 5th April, 2018.

To :

The Joint Secretary (TA & Hills),
Government of Manipur.

Subject:- Submission of Village Authority Elections held in respect of Tamenglong,
Tousem and Tamei Sub-division, Tamenglong District.

Sir,

With reference to the subject mentioned above and in pursuance of letter No. 9/2/2017-
Hills dated 18/11/2017, I am to submit herewith the results of Village Authority Elections
conducted in Tamenglong, Tousem and Tamei Sub-Divisions. The result/ report of 7 (Seven)
Villages with respect to Tamei Sub- Division will be submitted after due process of amicable
solution/ settlement among the villagers.

Total elected villages are given below:-

SL. No.	Name of Sub-Division	No. of Village
1.	Tamenglong	19 [Nineteen] villages
2.	Tamei	34 [Thirty-four] villages
3.	Tousem	54 [fifty-four] villages

This is for your kind information and further necessary action.

Enclosed:- Annexure - 1 (Tamenglong Sub-Division)

Annexure - 2 (Tamei Sub-Division)

Annexure - 3 (Tousem Sub-Division)

Yours faithfully,

(ARMSTRONG PAME)

Deputy Commissioner, Tamenglong District

Tamenglong, the 5th April, 2018.

Memo No.DC(TML)14/VAE/2018 /173

Copy to:-

1. The Secretary (TA & Hills), Government of Manipur.
2. All SDOs-Tamenglong/Tamei/Tousem.
3. Relevant file.

(ARMSTRONG PAME)

Deputy Commissioner, Tamenglong District



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RESULT OF THE VILLAGE AUTHORITY ELECTION 2020 IN RESPECT OF TAMEGLONG SUB-DIVISION,
TAMEGLONG DISTRICT, MANIPUR.

15	Tamenglong Village	10. Kishanang Kamel		Member
		11. Chinghiamang		Member
		12. Ramri K.P. Pamei		Member
		1. N.T. Pamei	1. N.T. Pamei	Chairman
		2. R.K. Meisunglung		Member
		3. Keiramphui A.K. Pamei		Member
		4. A.K. Huphinang		Member
		5. T.P. Khurayang		Member
		6. Disuang Pamei		Member
		7. Jossi Pamei		Member
		8. K.C. Rangbuiyang		Member
		9. K.C. Ramkhundyang		Member
		10. Tadsan Pamei		Member
16	Dulgaifong	11. R. Akinang Pamei		Member
		12. R. Poupantlung		Chairman
		1. A.G. Namsulung	Khuabu (Vide DC letter)	Member
		2. A.G. Guiteu		Member
		3. K. Ningtangpou		Member
		4. G. Dirahyang		Member
		5. A.G. Keisunping		Member
		6. A.G. Keiri		Member
		7. Kalsang Gangmel		Member
		8. Ringsang Gangmel		Member
17	Dallong	9. Kishinang Gangmel		Member
		10. K. Hutamang		Chairman
		1. Kellabut Gangmel	1. Kellabut Gangmel	Member
		2. Huthong Gangmel		Member
		3. Pr. Kishinang		Member
		4. Dallong Pamei		Member
		5. Daitou Gangmel		Member
		6. Pr. Juthaiyang		Member
		7. Gaidam Gangmel		Member
		8. Akopou		Member
18	Chaulan	9. Ramdikamang		Member
		10. Keiramainang Gangmel	1. Keiramainang Gangmel	Chairman
		2. Namthuidinang Gangmel		Member
		3. Misor Gangmel		Member
		4. Nampuinang Gangmel		Member
		5. Tunding Gangmel		Member
		6. Akindi Gangmel		Member
		7. Namchei Gangmel		Member
		8. Ngungong Gangmel		Member
		9. Thubamhang		Member
		10. Gimuang Gangmel		Member
		11. Kailang Gangmel		Chairman
		1. BG Thuanu	1. BG Thuanu	Member
		2. Kibuzong		Member

Amang P.
5/1/2021

Comm. of Affirmation
High Court of Manipur
Imphal (Manipur)

[Signature]
-True Copy-

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[4] Vide letter dated 05.04.2018, the Deputy Commissioner, Tamenglong forwarded election results of Tamenglong District for Sub-Division of Tamenglong, Tamei and Tousem to the Joint Secretary (TA & Hills), Government of Manipur and relevant portion is at serial No. 16 for Duigailong showing the name of 10 persons as elected members, whereas petitioner is shown as Khunbu/ Chairman of the Village Authority. Before the Ld. Civil Judge (Senior Division), Tamenglong, the petitioner who is defendant No. 1 in the original suit filed an application being Judicial Misc. Case No. 43 of 2019 under Order 7 Rule 11 CPC raising the point that the suit praying for a declaration of notification dated 15.12.2018 as void, is barred by Section 11 of Manipur (Village Authorities in Hill Areas) Act, 1956 (80 of 1956). However, vide impugned order dated 05.02.2020, the Ld. Civil Judge (Senior Division), Tamenglong dismissed the application filed by the petitioner herein who is defendant No. 1 in the suit on the ground that the suit is not barred by principle of res-judicata under Section 11 of CPC and hence the suit is not within the ambit of provisions of Section 11 of Manipur (Village Authorities in Hill Areas) Act, 1956. Being aggrieved by the same, the petitioner who is defendant No. 1 approached this Court by way of a revision under provisions of Section 115 of CPC.

[5] Mr. D. Julius Riamei, learned counsel for petitioner, submits that from mere perusal of the prayer made in the suit, i.e., especially prayer Nos. (ii), (iii), (iv) & (v), the same is especially barred by the provisions of Section 11 of Manipur (Village Authorities in Hill Areas) Act, 1956, as it amounts to interference in the election process and Section 11 of the Act barred the jurisdiction of the Court in this regard. It is also submitted that application under Order 7 Rule 11 CPC filed by defendant has been rejected without considering the provisions of the Act.

[6] On the other hand, Mr. Th. Henba, learned counsel for respondent No. 1/plaintiff in the suit, draws the attention of this Court to the provisions of Section 3(4) of the Act which held that where there is a Chief or Khulakpa, he shall be the Ex-Officio Chairman of that village



authority and in absence of such Chief or Khulakpa, the Chairman of the Village Authority of that village shall be elected by the members of the Village Authority from among themselves. In the present case, respondent No. 1/plaintiff is admittedly the Khunbu/Chief of the village. Mr. Th. Henba, learned counsel, further submits that provisions of Section 11 cannot be read in isolation and is to be read together with provisions of Section 3(4) of the Act and accordingly, the suit is maintainable and the application under Order 7 Rule 11 CPC was rightly rejected by the Trial Court.

[7] Mr. S. Nepolean, learned G.A., partly agrees with the submissions of Mr. D. Julius Riamei, learned counsel as well as Mr. Th. Henba, learned counsel, to the point that Section 11 of the Act bars the jurisdiction of any Court with respect to the process of election of members of village authority; whereas Section 3(4) of the Act also provides the appointment of Ex-Officio Chairman of the Village Authority either by hereditary or by election.

[8] *This Court has perused the materials on record. The sole issue involved in the present case is whether the suit filed by respondent No. 1/plaintiff herein is barred by the provisions of Section 11 of the Act of 1956 read with provisions of Order 7 Rule 11 CPC. Before going to the merit of the case, it may be relevant to reproduce the relevant provisions of the Act.*

“Order 7 Rule 11 CPC:

11. Rejection of plaint. The plaint shall be rejected in the following cases:-

- (a) where it does not disclose a cause of action;*
- (b) where the relief claimed is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so;*
- (c) where the relief claimed is properly valued, but the plaint is returned upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so;*
- (d) where the suit appears from the statement in the plaint to be barred by any law;*
- (e) where it is not filed in duplicate;]*



[(f) where the plaintiff fails to comply with the provisions of rule 9:] [Provided that the time fixed by the Court for the correction of the valuation or supplying of the requisite stamp-paper shall not be extended unless the Court, for reasons to be recorded, is satisfied that the plaintiff was prevented by any cause of an exceptional nature for correcting the valuation or supplying the requisite stamp-paper, as the case may be, within the time fixed by the Court and that refusal to extend such time would cause grave injustice to the plaintiff.]

12. Procedure on rejecting plaint. Where a plaint is rejected the Judge shall record an order to that effect with the reasons for such order.

Manipur (Village Authorities in Hill Areas) Act, 1956:

3. Constitution of Village Authorities:-

.....
(4) Where there is a Chief or Khulakpa in a village, she shall be ex-officio chairman of the Village Authority of that village; and where there is no such Chief or Khulakpa in the village, the Chairman of the Village Authority of that village shall be elected by the members of the Village Authority from among themselves.

11. Bar to interference by courts in election matters :-

No election of a member of Village Authority shall be called in question in any court, and no court shall grant an injunction,-

(a) to postpone the election of a member of a Village Authority; or

(b) to prohibit a person, declared to have been duly elected under this Act, from taking part in the proceedings of a Village Authority of which he has been elected a member; or
(c) to prohibit members nominated or elected for a Village Authority from entering upon their duties.

12. Election disputes :-

(1) If a dispute arises as to the election of any member of a Village Authority, the matter shall be referred to the Deputy Commissioner who shall decide the same after giving notice to the parties concerned and after taking such evidence as may be produced.

(2) The order of the Deputy Commissioner may, within thirty days from the date thereof, be revised by the Chief Commissioner whose decision shall be final and shall not be questioned in any Court."

[9] From a mere perusal of provisions of Order 7 Rule 11 CPC, it is clear that the relevant provision is Clause (d) of Order 7 Rule 11 CPC where it says that the plaint is barred by any law. In the present case,



the relevant law is Section 11 of Manipur (Village Authorities in Hill Areas) Act, 1956 which prohibits challenge of election of members of Village Authority in any Court and no Court shall grant any injunction regarding the election. In case of any dispute in election as per Section 12 of the Act, the matter has to be referred to Deputy Commissioner who shall decide the matter and decision of the Deputy Commissioner will be revised by the State. Section 3(4) also provides that whenever there is Chief or Khulakpa, he will be Ex-Officio Chairman of the Village Authority and if such post is vacant, the elected members shall select Chairman who shall be as Ex-Officio Chairman. This Proposition of law is not disputed by any of the parties.

[10] It is settled proposition of law as held by Hon'ble Supreme Court in the case of **Keshav Sood vs. Kirti Pradeep Sood and Others** reported in **2023 SCC OnLine SC 2459 para 5** that while considering an application under Order 7 Rule 11 CPC for rejection of plaint, the averment made in the plaint has to be considered alone and at the highest, the documents annexed with the plaint can be read into. The stand of the defendant in the written statement and contents in an application cannot be considered for deciding an application under Order 7 Rule 11 CPC. Within this purview, this Court is examining the present revision petition. The relevant para 5 of **Keshav Sood vs. Kirti Pradeep Sood and Others** is reproduced as:

"5. As far as scope of Rule 11 of Order VII of CPC is concerned, the law is well settled. The Court can look into only the averments made in the plaint and at the highest, documents produced along with the plaint. The defence of a defendant and documents relied upon by him cannot be looked into while deciding such application."

[11] Prayer No. (i) of the plaint, as reproduced supra, is for declaration of respondent No. 1 herein as the Khunbu of Duigailong Village and admittedly this is within the jurisdiction of Civil Court. However, prayer No. (ii) of declaring the notification dated 15.12.2018 as null and void, is hit by the provisions of Section 11 Act of 1956. As reproduced supra, the notification dated 15.12.2018 issued by Additional



Chief Secretary (TA & Hills), Government of Manipur publishing the list of elected members of Duigailong Village Authority is on the basis of the result of election result submitted by the Deputy Commissioner vide letter dated 05.04.2018. Serial No. 16 is the elected members of Duigailong Village in which petitioner who is defendant No. 1 is shown as Chairman-cum-Khunbu and others are shown as members. Surprisingly respondent No.1 herein who is plaintiff in the suit is also shown at serial No. 2 in the list of elected members. So, the challenge to notification dated 15.12.2018 is, in fact, amounts to challenge the election process and its result of Duigailong Village initiated under the Act of 1956 and the same is barred by provisions of Section 11. In the circumstances, the impugned order dated 05.02.2020 passed by the Ld. Civil Judge (Senior Division), Tamenglong in Judicial Misc. Case No. 43 of 2019 [Ref: Original (D) Suit No. 3 of 2019] is set aside and the application, i.e., Judicial Misc. Case No. 43 of 2019 filed under the provisions of Order 7 Rule 11 CPC is allowed in view of the provisions of Clause (d) of Order 7 Rule 11 CPC read with Section 11 of Manipur (Village Authorities in Hill Areas) Act, 1956. Consequently, the suit Original (D) Suit No. 3 of 2019 is rejected as barred by the law.

[12] Before closing, it is clarified that respondent No. 1 herein who is plaintiff before the Trial Court may, if so advised, file afresh suit for declaration as Khunbu of Duigailong Village with consequential relief and if the suit so filed is decreed, it will amount to erasing the effect of the notification dated 15.12.2018 which is a substantive prayer in the suit.

[13] Mr. Th. Henba, learned counsel for respondent No. 1/plaintiff, submits that he has also filed an application being Judicial Misc. Case No. 75 of 2019 for amendment of the plaint which is pending on the record of Ld. Trial Court.

[14] This Court does not express any opinion about the maintainability of the amendment application. In any case, all pending applications will perish along with the suit, subsequent to rejection of plaint by this Court under Order 7 Rule 11 CPC. While filing the new suit, if so advised, the plaintiff may take the plea of provisions of Section 14



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of the Limitation Act, 1963 and this is without prejudice to the right of the other parties in the proposed suit.

[15] Send a copy of this order to Ld. Civil Judge (Senior Division), Tamenglong for information and for preparation of decree, if any.

JUDGE

Kh. Joshua Maring

**KH.
JOSHUA
MARING**

Digitally signed
by KH. JOSHUA
MARING
Date:
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