



2026:MNHC:190

Reportable

Sl. No.14 & 15

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

CRP(C.R.P. Art. 227) No. 30 of 2025

- [Ref.: 1. Civil Misc. Appeal No. 1 of 2024
2. Judl. Misc. Case No. 264 of 2022
3. Original Suit No. 18 of 2022]

Th. Lungpuijai, aged about 66 years, S/o Late Th. Ngamjinlung, a resident of Ngarian Village P.O., P.S. & District-Bishnupur, Manipur.

.... Petitioner

- Versus -

1. Lambidin, aged about 71 years, S/O (L) Kaningthui of Chaiba Village, P.O. & P.S-Bishnupur, District – Churachandpur, Manipur.
2. Ibohal Chothe, aged about 67 years, S/O (L) Thambaljao Chothe of Chothe village, P.O., P.S. & District– Bishnupur, Manipur.
3. Maipak Chothe, aged about 77 years, S/O (L) Linhoi Chothe of Chothe Village, P.O., P.S. & District -Bishnupur, Manipur.
4. Executive Officer, Bishnupur, Municipal Council District – Bishnupur, Manipur.

.... Respondents

with

MC[CRP(C.R.P. Art. 227)] No. 41 of 2025

[Ref. : C.R.P. (C.R.P. under Art. 227) No. 30 of 2025]

Th. Lungpuijai, aged about 66 years, S/o Late Th. Ngamjinlung, a resident of Ngarian Village P.O., P.S. & District-Bishnupur, Manipur.

.... Applicant/Petitioner



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- Versus -

1. Lambidin, aged about 71 years, S/o late Kaningthui of Chaiba Village, P.O. & P.S-Bishnupur, District – Churachandpur, Manipur.
2. Ibohal Chothe, aged about 67 years, S/O (L) Thambaljao Chothe of Chothe Village, P.O., P.S. & District - Bishnupur, Manipur.
3. Maipak Chote, aged about 77 years, S/O (L) Village, Linthoi Chothe of Chothe Village, P.O., P.S & District - Bishnupur, Manipur.
4. Executive Officer, Bishnupur, Municipal Council, Bishnupur District, Manipur.

.... Respondents

BEFORE

HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR

For revision petitioner	Ms. Anandita, Advocate along with Ms. Pushpatolly M, Advocate.
For respondents	Mr. Mayonkui Ngalung, Advocate along with Mr. Decembering, Advocate.
Date of Judgment & Order	27.08.2026

JUDGEMENT & ORDER
(Oral)

[1] The following abbreviations/short forms have been used in this order (for the sake of brevity, convenience and clarity):

Sl. No.	Abbreviation/Short Form/other short references	Full Form/Expansion
1.	CRP	Civil Revision Petition
2	said Trial court	Court of Civil Judge (Junior Division), Bishnupur, Manipur



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3.	said suit	Original suit No.18 of 2022 on the file of Trial court.
4.	said injunction application	Judl. Misc. Case No. 264 of 2022 in said suit on the file of said trial court.
5.	Judl. M.C.	Judicial Miscellaneous Case
6.	said first appellate court	Court of District Judge, Bishnupur
7.	D1	first defendant (similar abbreviation/s are used for other defendants also with a numeric change alone i.e., 'second defendant' is referred to as 'D2', 'third defendant' is referred to as 'D3' so on and so forth)
8.	R1	First respondent (similar abbreviation/s are used for other respondents also with a numeric change alone.
9.	CPC	Code of Civil Procedure, 1908
10	MC	Miscellaneous Case

[2] In the hearing today, Ms. Anandita, learned counsel on record for lone revision petitioner (along with co-counsel, Ms. Pushpatolly M) and Mr. Mayonkui Ngalung, learned counsel on record for R1 to R3 (along with Mr. Decempering, learned counsel) are before this Court (physical).

[3] To be noted, as regards R4, this Court is informed that R4 has been duly served but R4 has neither chosen to enter appearance through counsel nor come before this Court. In this regard, it is also to be noted that pursuant to proceedings made by this Court in earlier listings, more



particularly the proceedings made in the listing on 20.03.2026, R4 as in the cause title is duly shown in the cause list today also, R4 is not before this Court either in the physical Court or on the Video Conferencing (VC) platform. Be that as it may, until today, R4 has not chosen to enter appearance through any counsel. Therefore, R4 is set ex-parte.

[4] This Court heard learned counsel on both sides after taking up the main CRP with the consent of learned counsel on both sides.

[5] Factual matrix in a nutshell i.e., short facts shorn of elaboration and details which are not imperative for appreciating instant order are that, lone revision petitioner in captioned CRP is the lone plaintiff in said suit in said Trial court; that R1 to R4 are D1 to D4 respectively in said suit in said Trial court; that for the sake of convenience and clarity, in the instant order, 'lone revision petitioner' will also be referred to as 'plaintiff' wherever necessary and same is the case with R1 to R4 (D1 to D4 in the said suit in said trial court); that plaintiff presented a plaint dated 24.08.2022 in said trial court with a prayer that a stream which is running near the agricultural lands of the plaintiff and other members of an association('said association' for the sake of convenience) which goes by the name '*Khalok Loukon Lourup*' (with about 30 members) is natural act of a natural flow and injunction *qua* construction/work obstructing/diverting the same; that, to be noted 'the stream is running from western (mountain side) to eastern side in a straight line' is plaintiff's pleading in said suit in said Trial court and this stream shall be referred to as 'said



stream' in instant order for the sake of convenience and clarity; that the plaintiff prayer for declaration that natural flow of said stream is a natural act and permanent injunction restraining the defendants from doing the work of digging the earth or doing other work should be enjoined have been made; that it is to be noted that the burden of the song *qua* pleadings in the plaint is that the work that is being done by the defendants is affecting the natural flow of said stream and this in turn is affecting the irrigation of agricultural lands of plaintiff and other members of said association; that the said trial Court on 24.08.2022, granted an ex-parte order of status quo in an injunction application being Judl. Misc. Case No.264 of 2022 taken out by the plaintiff along with the suit; that post service of suit summons/notice in injunction application, defendants entered appearance, contested the injunction application and the trial court by an order dated 12.02.2024 vacated the status quo order dated 24.08.2022; that the aggrieved plaintiff carried the matter to said first appellate court by way of Misc. Civil appeal No.1 of 2024 being Misc. Civil appeal No.1 of 2024 under Order XLIII Rule 1 (r) of CPC; that in this Misc. Civil appeal No.1 of 2024, the first appellate court initially granted an interim order dated 11.03.2024 and thereafter after full contest, dismissed the appeal confirming the 12.02.2024 order of the trial court; that aggrieved plaintiff has carried the matter to this Court *vide* captioned CRP which has been filed in this Court on 02.06.2025 along with MC(CRP(CRP Art.227) No.41 of 2025; that interim order in captioned MC was granted by Hon'ble predecessor Chief



Justice on 04.06.2025, the same has been extended from time to time and it is continuing to operate now; that the respondents have filed an affidavit-in-opposition dated 12.11.2025 (filed on 13.11.2025 but erroneously in CRP) in captioned MC; that under such circumstances, captioned main MC was heard out.

[6] Before proceedings further, this Court deems it appropriate to record that from the District & Sessions Court website, it comes to light that pleadings are complete in said suit in said trial court and it was kept for issue hearing on 15.04.2024 but thereafter, it has been repeatedly adjourned sine-die apparently owing to 04.06.2025 interim order of this Court. In this regard, it is to be noted that the prayer in captioned MC reads as follows:

‘(i) Pass an order of temporary injunction restraining the respondents, their agents, servants, privies or anyone acting on their behalf from entering the suit land and from disturbing or obstructing the natural flow of the stream situated adjacent to the suit land, pending the disposal of the Civil Revision Petition; (ii) Stay all further proceedings in Original Suit No. 18 of 2022 pending in the Court of the Ld. Civil Judge (Junior Division), Bishnupur, during the pendency of the present Civil Revision Petition before this Hon’ble Court; and (iii) Pass such other and further orders as this Hon’ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice.’

[7] Suffice to write that though pleadings are complete and said suit is in issue hearing stage, trial has come to a grinding halt, it is also to be noted that Hon’ble predecessor Bench vide 04.06.2025 has granted status quo order



but apparently owing to the prayer in the captioned MC, the suit has come to a grinding halt.

[8] Reverting to the captioned CRP at hand, it turns on a very short point as it is clear that there is no dispute or contestation about existence of said stream, there is also no dispute about the existence of agricultural land of plaintiff as well as defendants and there is also no dispute about some form of construction put up by the defendants qua said stream at least on 05.08.2022 and 16.08.2022. The contestation is, while the plaintiff contends that the work/construction qua said stream put up by the defendants on 05.08.2022 and 16.08.2022 divert the flow of the said stream to their agricultural land depriving the plaintiff and other members of said association of irrigation to their agricultural lands, the defendants contend that the work done/construction put up qua said stream on 05.08.2022 and 16.08.2022 were not acts of encroachment for diversion but only acts of protecting measures undertaken in good faith to restore said stream to its original course.

[9] As regards the order of said trial court dated 12.02.2024, the ex-parte interim order of status quo granted on 24.08.2022 has been vacated solely on the ground that the plaintiff has not produced any documents in support of construction work of defendants. This is evident from dispositive reasoning of the order of said trial court dated 12.02.2024 which reads as follows:



‘Further, the plaintiff has not produced any documents in support of its pleadings to support its case except for signatures of members of Khalok Loukon Lourup and photographs of work of defendants which is subject to strict proof at the time of trial.’

Thereafter, the first appellate court which originally granted interim order (on 11.03.2024) has subsequently opined that the original ex-parte status quo order is vague, it is not clear as to whether it pertains to digging of land or diversion of water works and therefore the said trial court was correct in making the (vacating) order dated 12.02.2024.

[10] As regards the construction put up by the defendants, the most relevant portion in the afore-referred affidavit-in-opposition reads as follows:

‘The obstructions raised by the respondents on 05.08.2022 and 16.08.2022 were not acts of encroachment or diversion, but rather protective measures undertaken in good faith to restore the stream to its original course and prevent further destruction of agricultural land.’

[11] In the light of narration thus far, this Court finds that existence of stream, existence of agricultural lands of both plaintiff as well as members of said association and defendants and irrigation of agricultural lands from said stream are not in dispute and further even the construction is not in dispute and only contestation is, while plaintiff contends that the construction is for diverting the flow of said stream to agricultural lands of defendants, the defendants are contending that construction is to restore the said stream to its original course and prevent further destruction of agricultural land. In this view



of the matter, coupled with the fact that the status quo order has been operating from 24.08.2022 to 12.02.2024 and subsequently interim order of first appellate court was operating from 11.03.2024 to 17.04.2025 followed by interim order of this Court from 04.06.2025 (operating until today), this Court is of the considered view that the status quo order should continue to operate and said trial court should now expedite trial and conclude said suit.

[12] As regards said trial court expediting trial of said suit, it will be subject to other official business of said trial court and this observation is made only because said suit has now come to a grinding halt from 14.07.2024 and it has been repeatedly adjourned sine die owing to the language in which prayer in captioned MC is couched about which there is allusion elsewhere supra in this order.

[13] Ergo, the sequitur is:

(a) impugned order of first appellant court being order dated 17.04.2025 in Misc. Civil appeal No.1 of 2024 is set aside;

(b) as the impugned order of the first appellate court confirms the order of trial court dated 12.02.2024, the order of said trial court dated 12.02.2024 made in Judl. Misc. Case No.264 of 2022 in Original Suit i.e., O.S. No.18 of 2022 is also dislodged/set aside;

(c) axiomatically, the order of status quo granted by said trial court in Judl. Misc. Case No.264 of 2022 in Original suit No.18



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of 2022 on 24.08.2022 is restored and the same will continue to operate till disposal of main suit i.e., said suit and said trial court shall expedite the said suit, frame issues, conclude the trial and return a verdict as expeditiously as the official business of said Trial court would permit;

[14] Captioned CRP is allowed and disposed of with the aforesaid directions/observations. Consequently captioned MC thereat is disposed of as closed. There shall be no order as to costs.

CHIEF JUSTICE

John Kom/Bipin

FR/NFR

P.S. I : Upload forthwith.

P.S. II : All concerned will stand bound by web copy uploaded in High Court website inter-alia as the same is QR coded.

JOHN
TELEN KOM

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JOHN TELEN KOM
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