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REPORTABLE

Sl. Nos. 14 to 16

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

CRP(CRP.Art.227) No. 34 of 2024

Kangabam Mahendra Singh, aged about 74 years, S/o Late K.
Ibotombi Singh, a residence of Sagolband Moirang Leirak, P.O.
& P.S. Imphal, Imphal West District, Manipur.

.....Petitioner

Vs.

1. Oinam Momon Devi, aged about 70 years, W/o Late K.
Manindra Singh, a residence of Sagolband Moirang
Leirak, P.O. & P.S. Imphal, Imphal West District,
Manipur.
2. Kangabam Indramani Singh, aged about 73 years S/o
Late K. Babu Singh, a resident of Sagolband Moirang
Leirak, P.O. & P.S. Imphal, Imphal West District,
Manipur.
3. Mantosh Kangabam, aged about 43 years S/o K. Babu
Singh, a resident of Sagolband Moirang Leirak, P.O. &
P.S. Imphal, Imphal West District, Manipur.
4. Laishram Birlata Devi, aged about 38 years W/o K.
Maheshkumar Singh, a resident of Sagolband Moirang
Leirak, P.O. & P.S. Imphal, Imphal West District,
Manipur.
5. Kangabam Minota Devi, aged about 38 years W/o Megha
Singh Ningthoujam, a resident of Uripok Sorobon
Thingel, P.O. & P.S. Imphal, Imphal West District,
Manipur.

.....Respondents

**With
MC(CRP(CRP.Art.227)) No. 58 of 2024**

Kangabam Mahendra Singh, aged about 74 years, S/o Late K.
Ibotombi Singh, a residence of Sagolband Moirang Leirak, P.O.
& P.S. Imphal, Imphal West District, Manipur.

.....Applicant

Vs.

1. Oinam Momon Devi, aged about 70 years, W/o Late K. Manindra Singh, a residence of Sagolband Moirang Leirak, P.O. & P.S. Imphal, Imphal West District, Manipur.
2. Kangabam Indramani Singh, aged about 73 years S/o Late K. Babu Singh, a resident of Sagolband Moirang Leirak, P.O. & P.S. Imphal, Imphal West District, Manipur.
3. Mantosh Kangabam, aged about 43 years S/o K. Babu Singh, a resident of Sagolband Moirang Leirak, P.O. & P.S. Imphal, Imphal West District, Manipur.
4. Laishram Birlata Devi, aged about 38 years W/o K. Maheshkumar Singh, a resident of Sagolband Moirang Leirak, P.O. & P.S. Imphal, Imphal West District, Manipur.
5. Kangabam Minota Devi, aged about 38 years W/o Megha Singh Ningthoujam, a resident of Uripok Sorobon Thingel, P.O. & P.S. Imphal, Imphal West District, Manipur.

.....Respondents

**With
MC(CRP(CRP.Art.227)) No. 59 of 2024**

Kangabam Mahendra Singh, aged about 74 years, S/o Late K. Ibotombi Singh, a residence of Sagolband Moirang Leirak, P.O. & P.S. Imphal, Imphal West District, Manipur.

.....Applicant

Vs.

1. Oinam Momon Devi, aged about 70 years, W/o Late K. Manindra Singh, a residence of Sagolband Moirang Leirak, P.O. & P.S. Imphal, Imphal West District, Manipur.
2. Kangabam Indramani Singh, aged about 73 years S/o Late K. Babu Singh, a resident of Sagolband Moirang Leirak, P.O. & P.S. Imphal, Imphal West District, Manipur.
3. Mantosh Kangabam, aged about 43 years S/o K. Babu Singh, a resident of Sagolband Moirang Leirak, P.O. & P.S. Imphal, Imphal West District, Manipur.
4. Laishram Birlata Devi, aged about 38 years W/o K. Maheshkumar Singh, a resident of Sagolband Moirang Leirak, P.O. & P.S. Imphal, Imphal West District, Manipur.

5. Kangabam Minota Devi, aged about 38 years W/o Megha Singh Ningthoujam, a resident of Uripok Sorobon Thingel, P.O. & P.S. Imphal, Imphal West District, Manipur.

.....Respondents

BEFORE
HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR

For revision petitioner	Mr. N. Ibotombi, Senior Advocate instructed by Ms. N. Savitri and Mr. Leo. N., Advocates
For respondents	Mr. R.K. Milan, Advocate along with Ms. S.Jayaluxmi, Advocate
Date of Judgment & Order	24.06.2026

JUDGMENT AND 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.	MC	Miscellaneous Case
3.	MCs	Miscellaneous Cases
3.	said SDC	Sub-Deputy Collector, Imphal West (Central) Manipur.
4.	said Revenue Tribunal	Revenue Tribunal at Lamphelpat, Imphal West District, Manipur
5.	said land	Land comprised in C.S. Dag. No.7121 in Village No.85-Sagolband.
6.	MLR & LR Act	Manipur Land Revenue and Land Reforms Act,1960 (No.33 of 1960)
7.	MLR & LR Rules	Manipur Land Revenue and Land Reforms Rules,1961
8.	said DC	Deputy Commissioner, Imphal West District, Manipur.
9.	impugned order	Order dated 31.07.2024 made by said DC in Revenue Revision Case No.1 of 2023

[2] This order will now dispose of captioned main CRP and captioned two MCs thereat. Captioned main CRP has been filed in this Court on 28.08.2024 under Article 227 of the Constitution of India assailing impugned order made by said DC. To be noted, in and *vide* impugned order, said DC has opined that there is no requirement for hearing in Revenue Revision Case No.1 of 2023 and he has directed that said SDC should complete the revision case exercise in a time bound manner i.e., within 2(two) months.

[3] Short facts (shorn of elaboration and details which are not imperative for appreciating instant order) are that the genesis of the matter is 2(two) orders, one dated 29.02.2018 made in Mutation Case No. 244/SDC/IW(C) and another dated 25.07.2018 made in Misc. Case No.306/SDC/IW(C), both being orders made by said SDC. In instant order of this Court, for the sake of convenience and clarity, the former i.e., '29.02.2018 order of said SDC' shall be referred to as 'Mutation Case Order' and the latter, viz., 'order dated 25.07.2018 made by said SDC' shall be referred to as 'separation of patta case order'; that both these orders were made by said SDC at the instance of revision petitioner in captioned main CRP; that both these orders viz., mutation case order and separation of patta case order were assailed *inter-alia* by respondent No.2 by way of revisional jurisdiction before said Revenue Tribunal by resorting to Section 95 of MLR & LR Act, the said Revenue Tribunal disposed of the revision case in and by an order dated 18.08.2022 sustaining/upholding the mutation case order and setting aside the separation of patta case order and directing the '*concerned authorities*' to decide the matter afresh; that this 18.08.2022 order of said

Revenue Tribunal has attained finality i.e., it has been given legal quietus by all the parties concerned; that post this 18.08.2022 order of said Revenue Tribunal, the 5(five) respondents in captioned CRP, petitioned said DC *vide* a petition dated 19.12.2022 *inter-alia* with prayers to make an order indicating the area of amalgamated land as per the documents, for partition of amalgamated land after correction of the area and other incidental orders; that, it is at this juncture that the impugned order has been made by said DC; that assailing the impugned order, captioned CRP has been filed in this Court on 28.08.2024 as already alluded to supra.

[4] In the hearing today, Mr. N. Ibotombi, learned senior counsel instructed by Ms. N. Savitri, learned counsel on record for sole revision petitioner (along with Mr. Leo. N., learned counsel) and Mr. R.K. Milan, learned counsel along with Ms. S. Jayaluxmi, learned counsel on record for all the respondents are before this Court. This Court, with the consent of learned counsel on both sides, took up the main CRP and heard out the same.

[5] The entire case turns on a very short legal point and that is whether said DC can relegate the matter to said SDC. The answer is clear as daylight in the light of provisions of MLR & LR Act. There is no dispute or disagreement before this Court that the afore-referred mutation case was filed by CRP petitioner under Section 46 of MLR & LR Act. The separation of patta case was filed under Section 41 read with Section 51(B) sub-Section (1) of MLR & LR Act. While there is no difficulty about the said mutation case, the separation of patta case has been erroneously filed before the said SDC as the authority which is vested with power to deal with the application is said DC.

The reason is section 41 as well as sub-Section (1) of Section 51-B of MLR & LR Act makes it clear that an application under Section 51-B(1) of MLR & LR Act ought to be made in writing before said DC. In this regard, what is of significance is Section 2(f) of MLR & LR Act as it defines Deputy Commissioner (which obviously includes said DC) and the same reads as follows:

'2. Definitions. In this Act, unless the context otherwise requires-

- (a)
- (b)
- (c)
- (d)
- (e)
- (f) 'Deputy Commissioner' means the Deputy Commissioner of the district and includes any officer appointed by the State Government to exercise and perform all or any of the powers and functions of a deputy commissioner under this Act;'

The above definition of 'Deputy Commissioner' makes it clear that it includes an officer appointed by the State Government to exercise and perform all or any of the powers and functions of a Deputy Commissioner but it is nobody's case before this Court that said SDC is such an officer appointed by the State Government. This means that the separation of patta case was erroneously filed by revision petitioner before said SDC. Mr. N. Ibotombi, learned senior counsel, on instructions, very fairly conceded that the separation of patta case was erroneously filed before said SDC and that it ought to have been filed before said DC.

[6] Per contra, Mr. R.K. Milan, learned counsel for respondents after making a faint attempt to support impugned order by relying on Rule 4 of MLR & LR Rules, contended that the petition of respondents being petition dated 19.12.2022 (petition *inter-alia* seeking indication of area of amalgamated land, partition of amalgamate land, etc.,) ought to be heard by said DC along with the separation of patta case which has been remanded to concerned authorities by Central Revenue Tribunal in and *vide* order dated 19.08.2022 made in Revenue Revision Case No.1 of 2021.

[7] The afore-referred contention of learned senior counsel and learned counsel on either side converges on one point and that one point is the impugned order made by said DC is legally incorrect, not in accordance with MLR & LR Act, more particularly, not in accordance with Sections 46, 51-B (1) and 41 read with Section 2(f) of MLR & LR Act.

[8] In this view of the matter, there is consensus between the learned counsel on both sides and the consent to have the impugned order set-aside. This means that the afore-referred petition of respondents being petition dated 19.12.2022 and the separation of patta case *vide* M.C No.306/SDC/IW(C) i.e., have to be now heard out by said DC and they are to be heard out together.

[9] Before concluding, there are three aspects of the matter which this Court deems appropriate to set out and they are as follows:

- (i) There appears to be some erroneous descriptions of parties in the captioned CRP and it is open to the parties on both sides to seek appropriate array when said DC hears out

the separation of patta and 19.12.2022 petition (to be noted, 'this 19.12.2022 petition' shall be referred to as 'partition plea'.

(ii) It has been contended before said Revenue Tribunal that the description of area *qua* said land is incorrect, correction pleas have been made and the same remain unattended and it is open to both sides to make necessary plea in this regard also.

(iii) As regards the faint attempt on the part of learned counsel for respondents to support impugned order by relying on Rule 4 of MLR & LR Rules, though this was given up and learned counsel consented to have impugned order set aside for the sake of clarity in days to come this Court deems it appropriate to write that a provision in a subordinate legislation cannot override provisions in parent statute. MLR & LR is a piece of subordinate legislation made by State Government in exercise of Rule making power *vide* Section 133 of MLR & LR Act. Rule 4 of MLR & LR Rules reads as follows:

'4. Application of rules.

- (1) Subject to the provisions of sub-rules (2) and (3) allotment of land belonging to the Government shall be made in accordance with these rules.*
- (2) Rules 5 to 12 shall not apply to the allotment of any town land.*
- (3) Rules 5 to 17 shall not apply to the allotment of land coming under any of the following categories:-*
 - (a) land set apart or likely to be set apart under section 13;*
 - (b) land acquired or held for any particular public purpose;*

(c) land required for rehabilitation of displaced persons.'

The above pertains to 'allocation' and not 'delegation'. In any event, even on a demurer it cannot override rigour of Sections 41, 46, 51-B(1) of MLR & LR Act read with Section 2(f) as Deputy Commissioner is defined statutory mandate is petition under Sections 41, 46, 51-B(1) should be heard by Deputy Commissioner.

[10]. In the light of the narration, discussion and dispositive reasoning set out thus far, the following order is made:

(a) Impugned order dated 31.07.2024 made in Revenue Revision Case No.1 of 2023 by Deputy Commissioner, Imphal West District is set aside as being contrary to the scheme and architecture of MLR and LR Act;

(b) Deputy Commissioner, Imphal West District is directed to take up partition plea (petition dated 19.12.2022 made by respondents in captioned CRP) and MC Case No. 306/SDC/IW(C) pursuant to order of the said Revenue Tribunal dated 18.08.2022 in Revenue Revision Case No.1 of 2022, hear out both together and dispose of the same on their own merits and in accordance with law;

(c) If any plea is made by parties regarding array of/description of parties, the same shall be considered on its own merits and in accordance with law and in accordance with revenue records;

(d) If any plea *qua* extent or description of said land is made, the same shall also be considered on its own merits and in accordance with law as per the revenue records

and

(e) The said DC viz., Deputy Commissioner, Imphal West District is directed to dispose of the two cases viz., partition plea and separation of patta plea as expeditiously as the official business of said DC would permit.

[11] Captioned main CRP i.e., CRP(CRP.Art.227) No. 34 of 2024 is allowed and disposed of in the aforesaid manner with afore-referred directions and observations. As regards captioned M.C(CRP(CRP.Art.227)) No.58 of 2024 which has been filed with a dispense with plea, the same is disposed of as closed, the same having become otiose. As regards captioned M.C(CRP(CRP.Art.227)) No.59 of 2024 though obvious, the interim order made by this Court on 29.08.2024 is vacated and M.C(CRP(CRP.Art.227)) No.59 of 2024 now stands subsumed by the order in captioned main CRP. There shall be no order as to costs.

CHIEF JUSTICE

FR/NFR

Ab. Surjit

P.S. I : Upload forthwith

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