

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

**W.P. (C) No. 324 of 2018**

- 1. Mutum Ibobi Singh**, aged about 65 years, S/o (Late) M. Amuba Singh of Thoubal Kiyam Siphai Mamang Leikai, P.O. & P.S. Thoubal, Thoubal District, Manipur (Councillor Ward No. 16 of Thoubal Municipal Council).
- 2. Sanasam Ibotombi Singh**, aged about 55 years, S/o (Late) S. Irabot Singh of Thoubal Sabaltongba, P.O. & P.S. Thoubal, Thoubal District, Manipur (Councillor Ward No. 13 of Thoubal Municipal Council)

***... Petitioners***

***Vs.***

- 1.** The State of Manipur, represented by the Commissioner (MAHUD), Government of Manipur, P.O. & P.S. Imphal.
- 2.** The Thoubal Municipal Council, represented by the Executive Officer, Thoubal Municipal Council, P.O. & P.S. Thoubal.
- 3.** The Executive Officer, Thoubal Municipal Council, P.O. & P.S. Thoubal

***... Respondents***

**B E F O R E**  
**HON'BLE MR. JUSTICE KH. NOBIN SINGH**

For the petitioners : Shri N. Ibotombi, Sr. Advocate.  
For the respondents : Smt. Priyashimala, Advocate.  
Date of Order : **26-09-2018**

**O R D E R**

**[1]** Shri N. Ibotombi, learned Sr. Advocate appearing for the petitioners and Smt. Priyashimala, learned counsel appearing for the respondent Nos. 2 and 3.

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[2] By the instant writ petition, the petitioners have prayed for issuing a writ of mandamus to direct the respondent No. 3 to convene a special meeting for consideration of No-Confidence Motion against the sitting Vice-Chairperson, Thoubal Municipal Council and also to quash the letter dated 06-12-2017 written by the respondent No. 3 requesting the respondent No. 1 to grant permission / approval for holding the No-Confidence Motion.

[3] Facts and circumstances as narrated in the writ petition, are that in terms of the Rule 84 of the Manipur Municipalities (Election of Councillors) Rules, 1994 (hereinafter referred to as the “**Rule 1994**”), a list of elected candidates of Councillors was published vide Notification dated 15-01-2016 wherein the petitioners are shown to have been elected as Councillors. In pursuance of the Rule 112 of the said Rules, 1994, Shri Akoijam Sanatomba Singh was declared elected as the Vice-Chairperson in a special meeting held on 29-09-2017. Few months later, 9 (nine) Councillors submitted a petition dated 05-12-2017 to the respondent No. 3 for convening a meeting for consideration of No-Confidence Motion against the sitting Vice-Chairperson under the provisions of Section 31 of the Manipur Municipalities Act, 1994 (hereinafter referred to as the “**Act, 1994**”). The respondent No. 3, instead of discharging its statutory duties cast upon him under section 31 of the said Act, sought for permission/ approval from the State Government vide its letter dated 06-12-2017 and till date, no permission/ approval is granted by the respondent No. 1.

[4] Being aggrieved by the said letter dated 06-12-2017, the instant writ petition has been filed on the ground that there is no need of seeking such approval/ permission for holding a special meeting for consideration of No-Confidence Motion.

[5] An affidavit-in-opposition has been filed on behalf of the respondent Nos. 2 and 3 wherein it has been stated that the Joint Secretary (MAHUD), Government of Manipur had issued a letter dated 31-05-2003 informing all the Executive Officers of Municipal Councils/ Nagar Panchayat that an approval be obtained from the Government as regards the holding of a special meeting for consideration of No-Confidence Motion against the Chairperson/Vice-Chairperson. In view thereof, it has become necessary for the local bodies to obtain prior permission of the State Government for holding special meeting for consideration of the No-Confidence Motion. In compliance with the said letter dated 31-05-2003, the letter dated 06-12-2017 has been written to the State Government for seeking prior permission/approval and therefore, there is no wrong in doing that.

[6] When the matter was taken up for consideration, it has been submitted by Shri N. Ibotombi, learned Sr. Advocate appearing for the petitioners that the question as to whether prior permission/ approval is required to be obtained by the local bodies for the purpose of holding a special meeting for consideration of No-Confidence Motion, has already been decided by the then Hon'ble Gauhati High Court, Imphal Bench in writ petition being W.P. (C) No. 468 of 2007 (**Chongtham Yaimbi Devi & ors. Vs. State of Manipur & ors.**) wherein the submission of the learned Advocate General that section 31 of the Act does not prescribe any requirement of prior permission from the State Government for holding a special meeting for consideration of No-Confidence Motion against the sitting Chairperson and the Vice-Chairperson of the Municipal Council and/ or Nagar Panchayats in the State of Manipur, has been accepted by the Hon'ble High Court. Relying upon the said decision rendered by the Hon'ble High Court, the writ petition being W.P. (C) No. 19 of 2017 (**Ksh. W.P. (C) No. 324 of 2018**

**Memcha Devi & ors. Vs. State of Manipur & ors.)** has been decided and therefore, it has further been submitted by the learned counsel appearing for the petitioners that this court has allowed the said writ petition with the direction that the respondent No. 5, Executive Officer, Mayang Imphal Municipal Council shall convene a special meeting as per the provisions of section 31 of the Manipur Municipalities Act, 1994 and that the meeting shall be called at the earliest possible, preferably within a period of one week from the date of receipt of a copy of that order.

[7] From the aforesaid decision, it is absolutely clear that in order to convene a special meeting for consideration of Non-Confidence Motion, the local bodies and in particular, the Executive Officers thereof are not required to obtain prior approval from the State Government. This Court has no option but to allow the writ petition and consequently, the letter dated 06-12-2017 stands quashed and set aside with the direction that the respondent No. 3 shall convene a special meeting for consideration of the No-Confidence Motion against the Vice-Chairperson of the Thoubal Municipal Council within a period of two weeks from the date of receipt of a copy of this order.

JUDGE

*Devananda*