

WP(C) No. 807 of 2018

Shri K.C.Chonsei(54)
S/o Ngamthang resident of Siaton Khonou,
P.O. Churachandpur and P.S. Moirang,
Churachandpur District, Manipur & anr.

.... Petitioners

-versus-

State of Manipur & 3 ors.

....Respondents

B E F O R E

HON'BLE MR. JUSTICE KH. NOBIN SINGH

For the petitioner	::	Mr. H.S.Paonam, Sr. Advt.
For the respondents	::	Mr. S.Rupachandra, Addl.AG Mr. N.Ibotombi, Sr.Adv.
Date of order	::	31.08.2018

O R D E R

Heard Mr. H.S.Paonam, learned Sr. counsel assisted by Mr. N. Bipin, learned Advocate appearing for the petitioners and Mr. S. Rupachandra, Addl. AG for the respondents and Mr. N. Ibotombi, learned Sr. counsel for the caveator.

By the instant writ petition, the petitioners have prayed for issuing a writ of mandamus or any appropriate writ to direct the respondents to hold the election of Autonomous District Council, Churachandpur either at the Office Headquarter or in the capital town at Imphal.

The subject matter in issue relates to the holding of a meeting for election to the post of Chairman, ADC, Churachandpur On 18.08.2018, the Secretary (TA & Hills)

issued an order to the fact that the meeting for election of Chairman be held on 24.08.2018 at the District Council town at Hiangtam, Lamka and that Secretary/Chief Executive Officer ADC/ Churachandpur shall send to every member notice of this date. In response thereto, the Chairman (in-charge) ADC, Churachandpur addressed to the Secretary (TA & Hills) a letter requesting him to defer the election for 15(fifteen) days on the grounds mentioned therein. Pursuant to a Cabinet decision dated 23.08.2018, the Secretary (TA & Hills) issued an order postponing the proposed date of election of the Chairman, ADC, Churachandpur to 04.09.2018 in view of the prevailing non-conducive law and order situation. After coming to know about the order dated 23.08.2018, as many as 12 (twelve) members of the ADC submitted a representation to the Hon'ble Chief Minister, Manipur on 29.08.2018 and the same is still pending for consideration by the Hon'ble Chief Minister, Manipur.

Being aggrieved by the order dated 23.08.2018, the instant writ petition has been filed by the petitioner on the inter-alia grounds that the meeting be held at the office of the ADC at Tuibong, Churachandpur and that the Governor of Manipur has not issued any order as regards the change of venue at Hiangtam, Lamka under Section 100 of the Manipur (Hill Areas) District Council Act.

After having heard the learned counsel appearing for the petitioners and the learned Addl. Advocate General, this Court is of the view that it is not appropriate for this Court to comment on the issue relating to conduciveness of the venue where the meeting can be held and that for want

of time it is not possible for his Court to call for the records and to examine the same.

In view of the above, this Court is of the further view that the ends of justice will make if the Hon'ble Chief Minister, Manipur is requested to dispose of the representation dated 29.08.2018 by tomorrow i.e. on 01.09.2018 and accordingly, the instant writ petition stands disposed of with the above request.

A copy of this order may be furnished to the learned counsels appearing for the petitioner provided they move an application for it today.

JUDGE

Dhakeshori