

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

CRP(C.R.P.Art 227) No.31 of 2020

1. ThokchomMadhuraja Singh, aged about 66 years, s/o (L) Th. Biren Singh of ChingamakhaMaishnamLeikai, PO & PS Singjamei, Imphal West District, Manipur -795008.
2. Thokchom (O) IbemhalDevi, aged about 91 years, w/o (L) Th. Biren Singh of ChingamakhaMaishnamLeikai, PO & PS Singjamei, Imphal West District, Manipur -795008.
3. Thokchom (N) Shanti Devi, aged about 64 years, D/o (L) Th. Biren Singh of ChingamakhaMaishnamLeikai, PO & PS Singjamei, Imphal West District, Manipur -795008.
4. Thokchom (N) Kamal Devi, aged about 63 years, D/o (L) Th. Biren Singh of ChingamakhaMaishnamLeikai, PO & PS Singjamei, Imphal West District, Manipur -795008.
5. Thokchom London Singh, aged about 59 years, s/o (L) Th. Biren Singh of ChingamakhaMaishnamLeikai, PO & PS Singjamei, Imphal West District, Manipur -795008.
6. ThokchomDevalaDevi, aged about 53 years, D/o (L) Th. Biren Singh of ChingamakhaMaishnamLeikai, PO & PS Singjamei, Imphal West District, Manipur -795008.

....Petitioners

- Versus -

1. ThokchomAkenSingh, aged about 48 years, s/o (L) Jiten Singh of YumnamKhunouMayaiLeikai, PO & PS Nambol, Bishnupur District, Manipur.

2. ThokchomBirla Singh, aged about 45 years, s/o (L) Th. Nilachandra Singh of Toubul Village, PO & PS Nambol, Bishnupur District, Manipur.

... Respondents

B E F O R E
HON'BLE MR. JUSTICE MV MURALIDARAN

For the petitioners :: Mr N. Ibotombi, Sr. Adv.
For the respondents. ::
Date of hearing and
Date of hearing &
Order. :: 29.09.2020.

JUDGMENT & ORDER
(ORAL)

[1] I heard Mr. N. Ibotombi, learned senior counsel for the petitioner. This Civil Revision Petition has been taken up for hearing and for disposal.

[2] The respondents No.1 to 6 in the Revenue Revision Case No. 3 of 2020 on the file of the Ld. Presiding Officer Revenue Tribunal, Bishnupur, Manipur is the Civil Revision petitioners before this Court challenging the order dated No.3.02.2020 in which the learned Presiding Officer Revenue Tribunal, Bishnupur has granted an order of interim stay the impugned order dated 17.01.2020 passed

in MUT. Case No. 25/SDC/Bishnupur of 2020 on the file of the learned Sub-Deputy Collector, Bishnupur.

[3] The case of the petitioners is that these petitioners were filed a original civil suit in OS No. 43 of 1990 before the erstwhile Subordinate Judge, Manipur West, against the father of the respondent No.1, the respondent No.2 and others praying for

(i) decree for declaration of the petitioner's title over the
(a) Agricultural land under new patta No. 36 /141 (new) B.T covered by Dag No. 93 comprising an area of 2.70 acres corresponding to old Patta No.154 situate at Toubul Village under Bishnupur District. (b) Agricultural land under new patta No.36/139 B.T covered by Dag No.2 comprising an area of 1.94 acres corresponding to old Patta No.57 situate at Toubul Village under Bishnupur District and (c) Agricultural land under patta No.36/142 (new) B.T covered by Dag No. 96 comprising an area of .68 acres corresponding in old patta No.205 situate at Toubul Village under Bishnupur District, Manipur.

(ii) a decree of possession by evicting the defendant Nos. 1 to 3 i.e. one ShriThokchomMegha Singh s/o (L) Lalji Singh, ShriThokchomJiten Singh father of the present respondent No.1 and the respondent No.2 from the said lands and delivery of khas possession to the petitioners.

(iii) a decree for cancellation of the entries of the names of the defendants Nos. 1 to 3 i.e. one ShriThokchom Mega Singh s/o late Lalji Singh, ShriThokchomJiten Singh father of the present respondent No.1 and the respondent No.2 from the suit lands.

[4] It is the further case of the petitioners that the erstwhile Subordinate Judge, Manipur West passed a judgment and order dated 24.03.1995 in Original Suit No.43 of 1990, thereby declaring that the petitioners are the owner of the said land and for eviction of the defendants Nos. 1 to 3 i.e. ShriThokchomMegha Singh s/o late Lalji Singh, ShriThokchomJiten Singh father of the present respondent No.1 and the respondent No.2 herein and their agents from suit-land and delivered the possession of the suit-land to the petitioners/plaintiffs. Thereafter, the petitioners have taken physical possession of the said suit-land without any objection.

[5] After the decree in the said suit in OS No. 43 of 1990 dated 24.03.1995, the petitioners were approached the Ld. Sub-Divisional Officer, Bishnupur by filing Misc Case No.1 of 2003 and based on that petition filed by the petitioners, the Ld. SDO, Bishnupur passed an order on 02.01.2003 thereby allowing to correct the land record in the light of the judgment and order dated 24.03.1995 passed by the erstwhile Subordinate Judge, Manipur West in Original Suit No. 43 of 1990.

[6] Later on, the said ShriThokchomMeghasingh andShriThokchomJiten Singh the father of the present respondent No.1 and the respondent No.2 were filed Revenue Revision Case No. 32 of 2008 before the Revenue Tribunal, Manipur challenging the order dated 02.06.2003 alleged to have been passed by the learned Sub-Divisional Officer, Bishnupur in Misc Case No.1 of 2003. On consideration of their cases, the Ld. Presiding Officer, Revenue Tribunal, Manipur vide order dated 30.06.2008 stayed the operation of the order dated 02.06.2003 passed in Misc Case No.1 of 2003 on the file of the Ld.SDO, Bishnupur.

[7] After obtaining the said order of interim stay dated 30.06.2008,ShriThokchomMegha Singh filed an application in

MiscCase No. 65/SDC/Bpr of 2010 before the learned SDO, Bishnupur by stating that as the Ld. Presiding Officer, Revenue Tribunal, Manipur has stayed the operation of the order dated 02.06.2003 passed by the SDO, Bishnupur in Misc Case No. 1 of 2003 and necessary correction be made and kept in abeyance till the disposal of the case. Thereafter, the learned SDC, Bishnupur passed an order dated 30.3.2010 thereby declaring all the recorded statement of the said pattaw.e.f the date of the order as null and void.

[8] It is the further case of the petitioners is that the Revenue Revision Case No.32 of 2008 filed by Th. Megha Singh and his parties was dismissed for default by the learned Revenue Tribunal vide order dated 01.09.2015. Thereafter, the petitioners were filed a Rev. Appeal Case No. 4 of 2018 before the learned SDO, Bishnupur by challenging the order dated 30.3.2010 passed by the SDC in Misc Case No.65 of 2010 and thereafter, the learned SDO, Bishnupur vide order dated 08.08.2018 came to the conclusion that the order dated 30.3.2010 has no effect. Thereafter, the petitioners have filed Misc Case No. 173 of 2018 before the Ld. SDC, Bishnupur for correction of land records and the Ld. SDC, directed the Circle Mandol to rectify the land records vide order dated 13.09.2018. Challenging the said order dated 08.08.2018 passed by the learned SDO, Bishnupur by filing

Revenue Revision Case No. 18 of 2018 before the Ld. Presiding Officer, Revenue Tribunal, Bishnupur and the Ld. Presiding Officer, Revenue Tribunal, Bishnupur passed an ex-parte interim order dated 27.08.2018 thereby staying the order dated 08.08.2018. Later on, the said Revenue Revision Case No.18 of 2018 filed by ShriThokchomMegha Singh was dismissed for default. Thereby vacating the interim stay order vide order dated 05.11.2018.

[9] It is the further case of the petitioners that pursuant to the order dated 05.11.2018, the learned Deputy Commissioner, Bishnupur, by order dated 24.11.2018 passed an order thereby permitting the learned Sub-Deputy Collector, Bishnupur to review the order dated 13.09.2018 passed in Rev. Misc Case No.173 of 2018 by following the Rules. However, the learned Sub-Deputy Collector, Bishnupur without following the due process of law passed an order dated 03.12.2018 in Revenue Misc Case No.214 of 2018 thereby declaring the order dated 13.09.2018 passed in Misc Case No. 173 of 2018 as null and void and the land records be rectified according to the order dated 30.03.2010 passed in the Misc Case No. 65 of 2010.

[10] It is the further case of the petitioners that the petitioner challenged the order dated 03.12.2018 passed in Revenue Misc Case

No. 214 of 2018 by way of filing Rev.Appeal No. 1 of 2019 before the learned SDO, Bishnupur and the learned Sub-Divisional Officers, Bishnupur after hearing the parties vide order dated 06.12.2019 set aside the order dated 03.12.2018. Thereafter, the petitioners have filed Mutation Case No. 25 of 2020 before the Ld. Sub-Deputy Collector, Bishnupur for correction of land records and the learned SDC, in compliance of the order dated 06.12.2019 passed in Revenue Appeal Case No. 1 of 2019 directed the Circle Mandol for necessary correction of the land records vide order dated 17.1.2020.

[11] Though the order has been passed on 17.1.2020 but these respondents in this Civil Revision petition have filed a Revenue Appeal No.1 of 2019 by challenging the order dated 06.12.2019 by filing Revenue Revision case No.4 of 2020 before the learned Presiding Officer, Revenue Tribunal, Bishnupur and without issuing any stay order, the learned Presiding Officer, Revenue Tribunal, Bishnupur was issued a notice on 28.02.2020 to these petitioners.

[12] It is also the further case of the petitioners that these respondents in this Civil Revision petition also challenged the order dated 17.1.2020 passed in Mutation Case No.25 of 2020 before the Ld. Presiding Officer, Revenue Tribunal, Bishnupur by way of filing the

Revenue Revision Case No.3 of 2020 and the learned Presiding Officer, Revenue Tribunal, Bishnupur without considering the materials on record granted an interim order dated 03.2.2020 thereby staying the operation of the order dated 17.01.2020. The learned Senior Advocate had pointed out for granting interim stay order no reason has been given by the Presiding Officer.

[13] Challenging the said order dated 03.02.2020, the present Civilrevision petition has been filed before this Court by the petitioners.

[14] It is the case of the petitioners that the learned Presiding Officer, Revenue Tribunal, Bishnupur without considering the judgment and decree dated 24.03.1995 in OS No. 43 of 1990 in which the Civil Court has declared that these petitioners are the owners of the land in question and also eviction of the defendants Nos. 1 to 3 and delivered the possession of the suit land to the petitioners/plaintiffs. It is case of the petitioners that pursuant to the decree dated 24.03.1995, the petitioners have taken the physical possession of the suit land without any objection. But without considering the said decree and the subsequent order passed by the authorities concerned, the learned Presiding Officers, Revenue Tribunal, Bishnupur has stayed the impugned order dated 17.01.2020

which is total non application of mind on the main ground that the order dated 06.12.2019 passed by the learned Sub-Divisional Officer, Bishnupur thereby setting aside the order dated 03.12.2018 allowing to enter the name of the respondents by rectifying the earlier order has not been stayed by the Revenue Tribunal in Revenue Revision Case No. 4 of 2020 and only notice has been ordered.

[15] Mr. N. Ibotombi, the learned senior counsel for the petitioners also pointed out that when the respondents have challenged the order dated 06.12.2019 passed by the learned Sub-Divisional Officer, Bishnupur in Rev. Appeal No.1 of 2019 by filing Revenue Revision Case No. 4 of 2020, the learned Presiding Officer, Revenue Tribunal, Bishnupur has not granted any interim order except to ordered notice but the very same Presiding Officer, Revenue Tribunal has simply admitted the subsequent case in Revenue Revision Case No. 3 of 2020 bygranting interim order staying the operation of order dated 17.1.2020 is total non application of mind and against the principle of natural justice.

[16] By pointing out the other points, Mr. N. Ibotombi, learned senior counsel for the petitioners has represented before this Court that the Civil Revision petition may be admitted and an order of interim

stay may be granted to stay the operation of order in Revenue Revision Case No. 3 of 2020 dated 03.02.2020.

[17] I heard Mr. N. Ibotombi, learned senior counsel for the petitioners. When the matter is taken up for admission, this Court has considered all the arguments made by the learned senior counsel for the petitioners Mr. N. Ibotombi and this Court inclined to dispose the CRP in the admission stage itself.

[18] Admittedly, the learned Presiding Officer, Revenue Tribunal while entertaining the Revenue Revision Case No. 4 of 2020, no interim order was granted whereas in present Revenue Revision Case No. 3 of 2020 challenging the subsequent order dated 17.01.2020 granted the interim stay order, which is not admissible in law.

[19] While entertaining the Revenue Revision Case No.4 of 2020, it is the bounden duty of the learned Presiding Officer, Revenue Tribunal, Bishnupur to consider both the case in Revenue Revision Case No. 3 of 2020 and the Revenue Revision Case No.4 of 2020 altogether and to pass appropriate orders in both but without doing so had simply granted the interim order in Revenue Revision Case No.

3 of 2020 dated 03.02.2020 and issued notice in Revenue Revision Case No.4 of 2020 dated 28.02.2020.

[20] Admittedly, the parties are approaching the Civil court and the Revenue Authority right from 1990 i.e. more than 30 years both the parties are approaching the civil Court and the Revenue authorities concerned for ventilating their grievances. If the cases are allowed to proceed further in normal course, definitely it will take several decades. Therefore, without going into the merits and demerits of the case of the petitioners and the respondents, I am inclined to issue suitable direction to dispose both the cases pending before the learned Presiding Officer, Revenue Tribunal, Bishnupur which will give ends of justice to both the parties.

[21] Admittedly, the Revenue Revision Case No.3 of 2020 which is the subject matter of this present Civil Revision Petition and the Revenue Revision Case No.4 of 2020 challenging the order dated 06.12.2019 by the respondents are pending before the learned Presiding Officer, Revenue Tribunal, Bishnupur. Therefore, to give aquitous to this issue pending for years together i.e. for several decades between the petitioners and the respondents, I am inclined to dispose the Civil Revision petition at the admission stage itself by

giving appropriate direction to the learned Presiding Officer, Revenue Tribunal, Bishnupur to dispose both the cases within a time framed manner.

[22] Accordingly,

(a) This Revision petition is disposed of.

(b) the learned Presiding Officer, Revenue Tribunal, Bishnupur is hereby directed to dispose the Revenue Revision Case No.3 of 2020 and Revenue Revision Case No.4 of 2020 by hearing both the parties by way of issuing appropriate notices and their appearances and dispose the same within a period of 1(one) month from the date of receipt of copy of this order.

(c) Both the parties are hereby directed to cooperate for the early disposal of both the cases in Revenue Revision Case No. 3 of 2020 and Revenue Revision Case No. 4 of 2020 pending on the file of the learned

Presiding Officer, Revenue Tribunal,
Bishnupur.

(d) the learned Presiding Officer, Revenue Tribunal, Bishnupur is hereby directed to give personal hearing of these cases by giving fair opportunity to both parties and dispose of the same within a stipulated period of time without giving any adjournments to either parties.

JUDGE

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