

IN THE HIGH COURT OF MANIPUR : AT IMPHAL

W.P.(C) No. 144 of 2020

Wahengbam Ningol Sakhi Devi

... Petitioner

-Versus-

The Deputy Commissioner, Kakching & anr. ***... Respondents***

B E F O R E

HON'BLE MR. JUSTICE KH. NOBIN SINGH

26.03.2021

Heard Mr. B. Prem Sharma, learned counsel appearing for the petitioner.

[1] According to the petitioner, she is the owner of the homestead land measuring an area of 0.0445 Hectares of the village No. 67, Hiyanglam, Kakching Sub Division, Thoubal District, Manipur. However, It was mutated in the name of Elangbam Jugeshwor Singh in a malafide intention without justifiable reason and accordingly, the same was continued to be recorded in the name of Jugeshwor. After seeing the Jamabandi in the name of Jugeshwor, the petitioner took a record of cancelled and un-cancelled Jamabandi.

[2] The petitioner enquired from the SDC/Sub Register, Kakching two months back about the Mutation Case No. 47/ADC/K of 2014 as contained in the Remark Column of the cancelled and Un-cancelled Jamabandi Patta issued by the SDC Kakching on

27.04.2019 due to the suspicion of the Mutation and Registered Sale Deed. When the petitioner approached the office of the SDC/Sub Register, it was stated by one of the staff that no record was found for Registration of Sale Deed. Shri Elangbam Jugeshwor Singh is also not the legal heir of the present applicant and the petitioner never went to the Sub Register Office, kakching for registration of a Sale deed and therefore, the Mutation order in favour of Elangbam Jugeshwor Singh is illegal.

[3] The petitioner filed an objection case before the SDO, Kakching bearing Receipt No. 214/SDO/Kak dated 09.09.2019 which failed to proceed and consider the said objection case and accordingly, the petitioner was compelled to approach the DC, Kakching on 22.01.2020 requesting him to direct the SDO to consider it.

[4] On account of the in action on the part of the SDO and the DC, the instant writ petition has been filed by the petitioner praying for a direction to the respondents to consider the objection filed by the petitioner.

[5] When the matter is taken up for consideration, it has been submitted by the learned counsel for petitioner that the writ petition can be disposed of by issuing an innocuous order and accordingly, the writ petition stands disposed of with the direction that the petitioner shall submit a fresh representation to the DC, Kakching

within a period of 1(one) week and in the event of such representation submitted by the petitioner, the DC, Kakching shall consider and dispose of the representation dated 22.01.2020 submitted by the petitioner within a period of 1(one) month from the date of receipt of a copy of this order by issuing a speaking order in respect thereof.

Copies of this order shall be sent to the counsels appearing for the parties through their WhatsApp/email.

JUDGE

Dhanksheri

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