

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

**CRP(CRP.Art.227) No. 15 of 2020**

The Chaokhat Khongthang Club, a registered Club under the Manipur Societies Act, 1989 having Regd. No. 2299 of 1991 and located at Kha-Naorem Leikai, Chingonglei Makhong, P.O Canchipur, P.S. Singjamei in Imphal West District, Manipur and represented herein by its Secretary Athokpam Roshikanta, aged about 35 years, S/o Athokpam Bijoy a resident of Kha-Naorem Leikai, Chingonglei Makhong, P.O Canchipur, P.S Singjamei in Imphal West District, Manipur-795003.

**....Petitioner**

- Versus -

1. Shri Urikhinbam Nabakishore Singh, aged about 55 years, S/o U. Kala Singh, by occupation business, resident of Naorem Leikai, P.S. Singjamei, Imphal West District, Manipur at present resident of Palace Compound, Imphal West District, Manipur-795005;

**... Principal Respondent No. 1**

2. Shri Thongam Bikram @ Bikramjit Singh, aged about 44 years, S/o Th. Shyamsunder Singh, resident of Kha-Naorem Leikai, P.S. Singjamei, Imphal West District, Manipur, Secretary, Chaokhat Khongthang Club, Kha Naorem Leikai, Imphal -795003;
3. Shri Nongmaithem Rajen Singh, aged about 54 years, S/o N. Khomei Singh, resident of Kha-Naorem Leikai, P.S Singjamei, Imphal West District, Manipur, President, Chaokhat Khongthang Club, Kha-Naorem Leikai, Imphal-795003.

**...Respondents**

**B E F O R E**

**HON'BLE THE CHIEF JUSTICE MR. SANJAY KUMAR**

For the petitioner : Mr. N. Umakanta, Advocate.  
For the respondents : Mr. L. Sevananda Sharma, Advocate

**Date of Order : 31.08.2022**

**O R D E R**

Challenge in this revision, filed under Article 227 of the Constitution, is to the common order dated 28.01.2020 passed by the Sub-Divisional Officer(SDO), Wangoi, Imphal West, in Eviction Case No. 1 of 2017 and Revenue Misc. Case No. 105 of 2019. The petitioner herein is the Chaokhat

Khongthang Club, a body registered under the Manipur Societies Registration Act, 1989.

By interim order dated 28.02.2020, this Court stayed the operation of the order dated 29.01.2020, passed by the SDO, Wangoi.

Heard Mr. N. Umakanta, learned counsel for the petitioner; and Mr. L. Sevananda Sharma, learned counsel for respondent No. 1, the petitioner in the eviction case.

The subject eviction case was filed under the provisions of the Manipur Public Premises (Eviction of Unauthorized Occupants Act, 1978). It was filed against two individuals, describing them as the Secretary and President of the petitioner club. However, the petitioner club was not made a party by name. Perusal of the order under revision reflects that the SDO, Wangoi, was informed of this fact. However, ignoring the same, the SDO, Wangoi, disposed of the case evicting the club and directing demolition of the standing structures. Surprisingly, the SDO, Wangoi, observed that, upon perusal of the record and reviewing all the files relating to the case, he found that the subject piece of land was shown in the records in the name of the State and the name of the petitioner club was recorded in Column No. 5 of the Dag Chitha as an encroacher. Having noted this fact and also the fact that the petitioner club is a registered society with a separate legal entity, it was not open to the SDO, Wangoi, to direct its eviction on the ground that it was represented by two office-bearers. In fact, one of the office-bearers had already informed the SDO, Wangoi, that he ceased to be so, but that aspect was also not taken into account. The SDO, Wangoi, therefore, ought not to

have acted upon the subject eviction case in the light of non-joinder of an essential party. The impugned order dated 28.01.2020 passed by the SDO, Wangoi in Eviction Case No. 1 of 2017 and Revenue Misc. Case No. 105 of 2019 is accordingly set-aside and the said case is dismissed on the ground of non-joinder of a necessary party. This order shall however not preclude the respondent No. 1 herein from taking steps afresh in accordance with law and due procedure, if he so chooses.

The civil revision petition is accordingly allowed.

In the circumstances, there shall be no order as to costs.

**CHIEF JUSTICE**

*Indrajeet*