

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

WP(C) No. 506 of 2021

With

WP(C) No.354 of 2021

with

WP(C) No.357 of 2021

With

WP(C) No.612 of 2020

With

WP(C) No.704 of 2020

With

WP(C)714 of 2020

With

WP(C) No.716 of 2020

Laishram Krishnadas Singh and Another.

...Petitioner

- Versus -

Election Commission of India and Another.

...Respondents

(VIDEO CONFERENCE)

B E F O R E

HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

31-01-2022

1. Heard Mr. N. Jotendro, learned senior counsel for the petitioners in WP(C) No. 506 of 2021, WP(C) No. 612 of 2020. Also heard Mr. Y. Nirmolchand, learned senior counsel for petitioners in WP(C) No. 354 of 2021, WP(C) No.716 of 2020 as well as Mr. S. Biswajit, learned counsel for petitioner in WP(C) No.375 of 2021, WP(C) No.704 of 2020, WP(C) No.714 of 2020, as well as Mr. Jagjit, learned counsel appearing on behalf of the Election Commission of India(ECI) and Mr. P. Tomcha, learned counsel for the respondent No.3 in WP(C) No.506 of 2021.

2. This writ petition involves dispute amongst rival parties with regard to the status of Office Bearers of Manipur Peoples Party which is a registered un-recognized Political Party under section 29A of the Representative of the People Act, 1951. The petitioners in WP(C) No. 506 of 2021, WP(C) No. 612 of 2020 belong to one group of Manipur People's Party and the petitioners in WP(C) No.354 of 2021, WP(C) No.357 of 2021, WP(C) No.716 of 2020, WP(C) No.714 of 2020 belong to the other group.

3. The main contention in the writ petitions is taking into record the list of newly elected office bearers of the Manipur People's Party by the Election Commission of India(ECI) in its letter dated 19.03.2021.

4. During the course of hearing of this writ petition, this Court detected that the petitioner No.2 in WP(C) No. 506 of 2021 had furnished 2(two) different Resolutions which were taken on 11.02.2020 by the Central Committee of Manipur People's Party wherein Resolution No.7 and Resolution No.13 appears to have been manipulated.

5. This Court therefore, after hearing the parties had passed the following order on 27.01.2022,

"Heard the learned counsel for the parties.

Heard in part.

Mr. Jagjit, learned counsel appearing for the Election Commission of India, is directed to produce the Letter dated 18.03.2021 in full set which is reflected in the Election Commission of India Letter dated 19.03.2021.

List these matters on 31.01.2022 as first item.

Mr. Biswajit, learned counsel for the petitioner in WP(C) No. 704 of 2020, is also permitted to file an additional affidavit for production of documents. However, such additional affidavit should be furnished to all the counsel for the respective parties.

Furnish a copy of this order to the learned counsel for all the parties through their respective e-mails/Whatsapp."

6. The learned counsel for the petitioners in WP(C) No.506 of 2021 was also directed to obtain proper instruction from the petitioners with regard to the furnishing of 2(two) different resolutions that was taken on 11.02.2020 with particular reference to Resolution No. 7 and 13.

7. Today, when the matter is taken up Mr. Jagjit, learned counsel appearing for the Election Commission of India in terms of the Order dated 27.01.2022 passed by this Court in WP(C) No. 506 of 2021 had filed the letter dated 18.03.2021 along with the full set of documents which was furnished to the Election Commission of India by the petitioner No.2 in WP(C) in WP(C) No.506 of 2021 and basing upon which, the ECI had issued the letter dated 19.03.2021.

8. The petitioner No.2 in WP(C) No.506 of 2021 has also filed an Affidavit on 29.01.2022 and the relevant paragraph No.3 reads as under:

“ That I further say that the said subsequent resolution taken on the same day was again furnish before the Election Commission of India for not disturbing the present situation of the Manipur People’s Party with bonafide belief to save the party and also in the larger interest of the party. However, now we have realized the mistake committed by us and tendered our unqualified apology before the Hon’ble Court to dispose the entire case amicably for holding a fresh election of the Office Bearers of the MPP in the larger interest of the intending candidates, who have already declared as candidates to be contested in the name of the Manipur People’s Party and also in the order to save the Regional Political Party in the interest of the State of Manipur. I once again have tendered unqualified apology for and on behalf of the petitioner No.1 and myself and kindly pardon for the mistake committed by us before the Hon’ble Court.”

9. Mr. Jotendro, learned senior counsel for petitioners in WP(C) No.506 of 2021 submits that the petitioners have tendered their unqualified apology for the mistake that was done by them and requests this Court to allow the parties to hold a fresh election of the Office Bearers of the Manipur People’s Party in the larger interest of the intending candidates who are interested in contesting the State Assembly Election in the name of the Manipur People’s Party.

10. Mr. Nirmolchand, learned senior counsel appearing for petitioner in WP(C) No.354 of 2021, WP(C) No.716 of 2020 and Mr. S. Biswajit, learned counsel for the petitioners in WP(C) No.357 of 2021, WP(C) No.704 of 2020 submit that it would be in the interest by all the parties

that if an independent Returning Officer is appointed by this Court for election of the Interim President of the Manipur People's Party within a specified period of time in order to see that the interest of the Manipur People's Party is safeguarded in terms of the Constitution of the party and the intending candidates for the ensuing state assembly elections.

11. After considering the submission made by the learned counsel for the parties and also taking into consideration the affidavit dated 29.01.2022 filed by the petitioner No.2 in WP(C) No.506 of 2021 this Court without entering into the merits of the case, dispose of these batch of writ petitions by appointing the Chief Electoral Officer, Manipur or any other Officer authorized by the Chief Electoral Officer, Manipur as the Returning Officer for supervision of the election of Interim President by the Central Committee Members of Manipur Peoples Party which is ratified by the Election Commission of India and annexed as Annexure R/5 (Colly) in the additional affidavit dated 15.03.2021 filed by the respondents No. 5 and 6 in WP(C) No. 612 of 2020 particularly at pages No. 48 to 51. The said election should be held on or before 03.02.2022. The apology tendered by the petitioner No.2 in WP(C) No. 506 of 2021 is accepted.

12. All the aforesaid writ petitions are disposed of in terms of the order passed hereinabove.

13. The Superintendent of Police, Imphal West district as well as the Deputy Commissioner, Imphal West district is directed to give adequate security on the date of the election.

Furnish a copy of this order to the learned counsel for all the parties through their respective e-mails/whatsapp as well as to the Deputy Commissioner, Imphal West District and the Superintendent of Police, Imphal West District by special messenger within the course of the day.

JUDGE

Surjit

KH. JOSHUA
MARING  Digitally signed by
KH. JOSHUA MARING
Date: 2022.02.09
02:22:49 +05'30'