

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

**WP(C) No. 164 of 2022**

Ephrim Gangmei

Vs.

State of Manipur & ors.

*... Petitioner*

*... Respondents*

**B E F O R E  
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

**30-11-2023**

[1] Heard Mr. S. Worthing, learned counsel appearing for the petitioner, Mr. A. Vashum, learned GA appearing for the respondents No. 1 to 4 and Mr. M. Gunedhor, learned counsel appearing for the respondent No. 5. None appeared for the respondent No. 6.

[2] The present writ petition had been filed assailing the letter of the Joint Secretary (TA & Hills), Government of Manipur dated 18-11-2017 addressed to the Deputy Commissioners of all the Districts in the State of Manipur directing, inter alia, to hold elections only in the villages where there is no pending court cases regarding Chiefship/ Chairmanship of the villages coupled with a prayer for quashing and setting aside the order dated 25-10-2018 issued by the SDO, Longmai (Noney), Noney District, Manipur by which the election of the members of the village authorities in respect of Charoichagotlong-I and Charoichagotlong-II held on 28-12-2017 and 29-12-2017 respectively was cancelled.

[3] The case of the petitioner is that the election of the members of the village authorities in respect of Charoichagotlong-I and Charoichagotlong-II was held on 28-12-2017 and 29-12-2017 respectively strictly in terms of the provisions of the relevant rules and according to the petitioner, he was elected as the Chairman of the village authority of Charoichagotlong-I and submitted the proceeding of the said election as well as the result of the said election to the SDO, Longmai and the Deputy Commissioner, Noney District under cover of letters dated 28-02-2018 and 18-09-2018 respectively with a request for publishing the

result of the said election in the Manipur Gazette at the earliest. According to the petitioner, a Civil suit being O.S. No. 10 of 2014 between the respondent No. 5 and 6 is pending before the competent Civil Court at Tamenglong District regarding the dispute as to who is the real Khunbu/ Khullakpa of the said villages and that the dispute confines only to who is the real Khunbu/ Khullakpa of the said village and no dispute or issue with regard to election of the members of the said villages authorities is involved at all. However, quite surprisingly, after holding the said election of the two villages and declaration of the result, the SDO, Longmai, Noney, issued an order dated 25-10-2018 thereby cancelling the election of the members of the village authorities of Charoichagotlong-I and Charoichagotlong-II held on 28-12-2017 and 29-12-2017 only on the ground that the said Original Suit No. 10 of 2014 is pending before the competent Civil Court.

[4] Mr. S. Worthing, learned counsel appearing for the petitioner submitted that as there is no dispute with regard to election of the members of the village authorities, the direction given by the Joint Secretary (TA & Hills), Government of Manipur under his letter dated 18-11-2017 to hold election in respect of only villages where there is no pending court cases regarding Chiefship/ Chairmanship of the village and the subsequent issuance of the impugned order dated 25-10-2018 cancelling the election of the members of village authorities of the said two villages are ultra vires the provisions of the Manipur (Village Authorities in Hills Areas) Act, 1956 and the rules made thereunder and that the same is not sustainable in the eyes of law. It has also been submitted by the learned counsel appearing for the petitioner that the issue raised in the present writ petition is squarely covered by the judgment and order dated 29-06-2016 passed by this court in WP(C) No. 220 of 2015 wherein it has been held as under:-

***“12. The Manipur (Village Authorities in Hills Areas) Act, 1956 provides for constitution of the Village Authority which shall perform the functions as provided under Section 16 of the Act and other provisions of the Act and as such, the existence of a Village Authority, which is in the nature of local body for the village***

*administration, is of immense significance in the hills areas of the State. Section 3 of the aforesaid Act provides for constitution of an elected Village Authority. Section 3(4) further provides that where there is a Chief Khullakpa in a village, he shall be the ex-officio chairman of the Village Authority of that village and where there is no such Chief or Khullakpa in the village, the Chairman of the Village Authority of that village shall be elected by the members of the Village Authority from among themselves. It has been further stated that the term of office of the members of Village Authorities shall be five years from the date appointed for its first meeting.”*

- “13. In the present case, what has prevented the constitution of the Village Authority in the village is on account of dispute between the petitioner and private respondent No. 4 as regards the office of Chiefship/ Khullakpa of the said village. Because of the aforesaid dispute pending before the Courts of law as mentioned above, the constitution of the Village Authority in respect of the Raengdailuang (Sadukhoiroi) village has been delayed, even though election has been already held for election of the other members of the Village Authority on 9.5.20011. Considering the provisions of the Manipur (Village Authorities in Hills Areas) Act, 1956 and the important role it plays in the administration at the village level, this court is of the view that any delay in constitution of the Village Authority will be against the public interest and it will be desirable that such Village Authority be constituted at the earliest. Apparently, from the records of the case and also based on submissions of counsel for the parties, there seems to be no other hindrance on the declaration of the result of the Village Authority except for the fact that there is a dispute about the Chiefship of the village. There is nothing on record to show that the election held on 9.5.2011 as regards the members of the Village Authority is in dispute. Therefore, this court is of the view that since there is no dispute as regards the election held on 9.5.2011 electing the members of the Village Authority of the Raengdailuang (Sadukhoiroi) village, the result should be declared. The Hon'ble Gauhati High Court while disposing of the WP(C) No. 282 of 2010 and CRP(Art. 227) No. 20 of 2009 on 4.11.2010 had specifically directed the respondents to hold the election for constitution of the Village Authority of Raengdailuang (Sadukhoiroi) village till Original Suit No. 16 of 2008 is finally decided by strictly following the procedure for such election and rules framed thereunder within a period of three months. This direction of the Hon'ble Gauhati High Court for holding of election obviously would also include the consequential actions after holding of election i.e. declaration of the result and the constitution of the Village Authority and since there is no such specific direction by the Hon'ble Gauhati High Court not to declare the result or not to act upon the result of the election, the only natural course would be to allow declaration of the result of*

*the election which was directed to be held. Of course, there was an interim order passed by the Hon'ble Supreme Court in the aforesaid SLP mentioned above, not to declare the result of the election but such an interim order was not continued after the said SLP was dismissed on 4.8.2014. The Hon'ble Supreme Court had merely expressed the desire that the aforesaid Original Suit No. 16 of 2008 be disposed of at the earliest within a time frame. Therefore, this Court is of the view that as regards the declaration of the result of the election of the Village Authority held on 9.5.2011, there is no impediment from any quarter or by way of any judicial order. Therefore, this Court is of the view that the result of the aforesaid election of the Village Authority of Raengdailuang (Sadukhoiroi) village held on 9.5.2011 should be declared and acted upon. However, still a issue remains, as under the aforesaid Manipur (Village Authorities in Hill Areas) Act, 1956, the constitution of the Village Authority will be completed only when the Chairman is also elected or appointed and if there be Chief/ Khullakpa of the said village he will be the ex-officio Chairman. Since the status of Chiefship is not clear as on date, which is stated to be the subject matter in the Civil Revision Petition No. 11 of 2016, this Court is of the view that as regards the Chairman of the Village Authority which will be constituted upon declaration of the result of the election of the Village Authority held on 9.5.2011, it shall be decided depending on the order as may be passed in the aforesaid Civil Revision Petition No. 11 of 2016 for the interim period which will be subject to the final order/decreed that may be passed in the pending Original Suit No. 1 of 2012/22 of 2012."*

- "14. Accordingly, the present writ petition is allowed with the direction that the result of the election of the Village Authority held on 9.5.2011 in respect of Raengdailuang (Sadukhoiroi) village be declared immediately and the Chairman of the Village Authority will be the Chief/Khullakpa of the said village depending on the result of the Civil Revision Petition No. 11 of 2016 which is stated to have been finally heard and reserved for judgment. It is also clarified that in the event, for any reason whatsoever, the Chief/Khullakpa of the Village Authority could not be ascertained, the authorities will consider invoking the provisions under Section 3(4) of the Manipur (Village Authorities in Hill Areas) Act, 1956 which provides that where there is no such Chief or Khullakpa in the village, the Chairman of the Village Authority of that village shall be elected by the members of the Village Authority from among themselves, as the fate of an elected local body cannot be kept in suspension and left to the tender mercy of dispute of two individuals over the Chiefship. It is accordingly directed that the result of the election of the Village Authority members held on 09.05.2011 shall be declared within a period of one month from the date of receipt of a certified copy of this order.*

***The authorities are also directed to take all the consequential and attending actions to make the Village Authority functional.”***

[5] Mr. A. Vashum, learned GA appearing for the official respondents submitted that the election of the said two villages was held in the month of December, 2017 and as per the provision of Section 6 of the Manipur (Village Authorities in Hills Areas) Act, 1956, the term of office of the members of the elected Village authorities is only for five years. It has also been submitted by the learned GA that since more than five years had already lapsed from the date of holding and declaration of the election result, it will be just and proper to direct the authorities to hold a fresh election in respect of the said two villages. The learned GA further placed before this court a letter dated 28-03-2023 issued by the Deputy Secretary (TA & Hills), Government of Manipur, directing the Deputy Commissioners of all the hill Districts to submit the details/ list of recognized villages where village authorities election are proposed to be held and that the authorities have already initiated the process for holding election of the village authorities in hill areas including the two villages in question. On the other hand, Mr. M. Gunedhor, learned counsel appearing for the respondent No. 5 submitted that the original suit between the private respondents No. 5 and 6 is still pending before the competent Civil Court and the issue as to who is the rightful Khunbu/ Khullakpa of the said villages is yet to be decided.

[6] After hearing the submissions advanced by the learned counsel appearing for the parties and on perusal of the record, this court is of the considered view that the petitioner has been able to make out a prima facie case that the cancellation of the election of the said two villages is unreasonable, arbitrary and ultra vires the provisions of the aforesaid act. The authorities cannot act arbitrarily and unreasonably without any sanction of law to give direction to hold election in respect of only villages where there is no pending court case regarding Chiefship/ Chairmanship of the village and to cancel the election of the members of village authorities of the said villages only on the ground that there is a Civil Suit

pending with regard to who is the rightful Khunbu/ Khullakpa of the said two villages. Such action is ultra vires the provisions of Section 3 of the Manipur (Village Authorities in Hills Areas) Act, 1956 wherein it is provided that the members of the village authorities shall be elected and that in case there is no Chief or Khullakpa of the village, the Chairman of the village authority shall be elected from amongst the elected members.

[7] In my considered view, even if there is dispute between the respondents No. 5 and 6 with regard to who is the rightful Khunbu/ Khullakpa of the said villages before the competent Civil Court, that cannot be the reason for delaying the election of members of the village authorities or for cancelling the election of members of the village authorities as provided under Section 3 of the said act. This court has also already explained elaborately and succinctly in its judgment and order dated 29-06-2016, referred to hereinabove, that even if there is dispute with regard to the claim of Chiefship/ Khunbu/ Khullakpa, that cannot be the reason for deferring or for not declaring the result of election of the said villages and that the result of election held in such villages should be declared and the Chairman of the village authorities should be elected from amongst the elected members till the disposal of the dispute. In my considered view, the aforesaid judgment rendered by the Hon'ble Court is exactly applicable in the present writ petition. Accordingly, the present writ petition is disposed of with the following directions:-

- (i) The impugned letter dated 18-11-2017 issued by the Joint Secretary (TA & Hills), Government of Manipur and the impugned order dated 25-10-2018 issued by the Sub-Divisional Officer, Longmai (Noney), Noney District, Manipur are hereby quashed and set aside;
- (ii) As nearly six years had already lapsed from the date of election of the petitioner and as the authorities have initiated the process for holding a fresh election of the village authorities of the hill districts of Manipur, including the two villages in question, this

court is not inclined to grant the reliefs sought for by the petitioner in the present writ petition for declaring the result of the earlier election and for allowing the elected members to perform their duties; and

- (iii) It is made clear that the election of members of the said two villages should be conducted strictly in terms of the provisions of the aforesaid act and rules and the pendency of the aforesaid Civil Suit should not be a ground or reason for deferring the election and in declaring the result of election, which has been initiated by the authorities.

With the aforesaid directions, the present writ petition is disposed of. Parties are to bear their own cost.

**JUDGE**

*Devananda*