

E X T R A O R D I N A R Y PUBLISHED BY AUTHORITY

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GOVERNMENT OF MANIPUR SECRETARIAT : TRIBAL AFFAIRS & HILLS DEPARTMENT

ORDERS

Imphal, the 18th January, 2013

No. 9/2/2010-CHA.: Whereas, in WP(C) No. 826 of 2008 - Shri Gainaichung Malangmei Vs State of Manipur and Others, the Hon'ble Gauhati High Court, Imphal Bench had passed an order dated 10-7-2009 that the appropriate forum to decide the issue of Khullapa - ship of Pong ring long/Charoipandongba village would be the Civil Court.

- 2. Whereas, in WA No. 52 of 2009 Shri Gainaichung Malangmei Vs. State of Manipur and Others, the Hon'ble Division Bench of Gauhati High Court, Imphal Bench had passed an order dated 5-2-2010 that there cannot be an election for the Chairmanship of Village Authority for which there is a regular Khullakpa and that the only question is to decide who is the regular Khullakpa of Pongringlong/Charoipandongba village and observed that the Ld. Deputy Commissioner, Senapati District is the appropriate Authority to such inquiry to find out whether the present writ petitioner is the Khullakpa of Pongringlong/Charoipandongba village and further directed the writ petitioner and respondent No. 4 (Mr. Lungaingam) to appear before the Ld. Deputy Commissioner, Senapati District with their respective pleading and documents in support of their case.
- 3. Whereas, the Ld. Deputy Commissioner in Hill Misc. Case No. 2 of 2010 (Ref. Writ Appeal No. 52 of 2009 of the Gauhati High Court, Imphal Bench) Shri Gainaichung Malangmei as Petitioner Vs. Mr. Lungaingam Gonmei as Opposite Party passed Orders dated 7-12-2011 that petitioner's claim over Khullakpaship has been accepted by the ADC, Kangpokpi vide order dated 21-8-1990 that all relevant documents available with the concerned revenue offices bear the name of the petitioner as Khullakpa that the opposite Party has not been able to provide any admissible evidence which may negate the claim of the Petitioner being the rightful Khullakpa of Ponringlong/Charoipandongba village and that as the Customary Law is not codified, it is not possible to base the judgement on the basis of Customary Law as the same cannot be established and decided to accept the claim of the Petitioner as the Khullakpa of Pongringlong/Charoipandongba Village.
- 4. Whereas, in Contempt Case (C) 82 of 2012 Mr. Gainaichung Malangmei Vs. Ameising Luikham, Addl. Chief Secretary (Tribal Affairs & Hills), Govt. of Manipur, the Hon'ble Guahati High

Court, Imphal Bench after considering the matter in its entirety was pleased to dispose of the matter at the motion stage stating the ends of justice will be met by directing the Commissioner (Hills) Govt. of Manipur to take on record the representations dated 9-12-2011 and 19-7-2012 and dispose of the same taking note of the directions of the Division Bench of Guahati High Court, Imphal Bench and consequently the order passed by the Ld. Deputy Commissioner, Senapati dated 7-12-2011 as expeditiously as possible, preferably within three weeks.

- 5. Whereas, the administrative department for hill areas under Tribal Affairs & Hills Department has examined the representations dated 9-12-2011 and 19-7-2012 and after taking into consideration the orders dated 5-2-2010 in W A No. 52 of 2009 of Hon'ble Division Bench of Gauhati High Court, Imphal Bench, the orders dated 7-12-2011 of the Ld. Deputy Commissioner in Hill Misc. Case NO. 2 of 2010 (Ref. Writ Appeal No. 52 of 2009 of the Gauhati High Court, Imphal Bench), and the orders dated 5-2-2010 of the Hon'ble Division Bench of Gauhati High Court, Imphal Bench in Contempt Case (C) 82 of 2012, it is the conclusion of the Administrative Department that as per the directions passed by an order dated 5-2-2010 n WA. No. 52 of 2009 of the Hon'ble Division Bench of Gauhati High Court, Imphal Bench that there cannot be an election for the Chairmanship of Village Authority for which there is a regular Khullakpa and the orders dated 7-12-2011 in Hill Misc. Case No. 2 of 2010 of the Ld. Deputy Commissioner, Senapati District wherein it was decided to accept the claim of Shri Gainaichung Malangmei as Khullakpa of Pongringlong/Charoipandongba village; orders notifying Shri Gainaichung Malangmei as Ex-officio Chairman of Pongringlong/Charoipandongba Village would meet the ends of justice.
- 6. Therefore, the Governor of Manipur is pleased to partially modify the Orders No. 9/5/2008-CHA dated 4-10-2008 by cancelling the notification only in respect of Shri Lungaingam Gonmei as Chairman of Pongringlong/Charoipandongba Village and further, in exercise of powers conferred upon him under section 3(4) of the Manipur (Village Authorities in Hill Areas) Act, 1956, the Governor of Manipur is pleased to notify Shri Gainaichung Malangmei, Khullakpa of Pongringlong/Charoipandongba village as the Ex-officio Chairman of Pongringlong/Charoipandongba Village.
- 7. This orders shall have effect from the date of its publication in the Manipur Gazette.

By orders & in the name of Governor,

AMEISING LUIKHAM, Additional Chief Secretary (TA & Hills), Government of Manipur.