

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

**EL.PET. No. 7 of 2022**

With  
El.Recr.Pet. No. 5 of 2022 With  
MC(El.Pet.) No. 145 of 2022

Okram Joy Singh

**Petitioner**

**Vs.**

Karam Shyam & 2 ors.

**Respondents**

BEFORE  
**HON'BLE THE CHIEF JUSTICE MR. SIDDHARTH MRIDUL**

**ORDER**

**18.07.2024**

Mr. H.S. Paonam, learned senior counsel, appears on behalf of the petitioner; and Mr. A. Mohendro, learned counsel, appears on behalf of respondent No. 1 in EL.PET. No. 7 of 2022.

Having heard learned counsel appearing on behalf of the parties and perused the respective pleadings, the following issues are framed for determination in the present proceedings:-

1. Whether non-disclosure of non-agricultural lands under Patta No. 176/873 (New) covered by C S Dag No. 894/1015 of Village No. 70 Chajing Part I belonging to Respondent No. 1 (on which Residential Buildings of Respondent No. 1 stands) in the relevant Column of Part B Para 7(ii) of the Form-26 Affidavit submitted by the Respondent No. 1 filed along with the Nomination Paper for 20-Langthabal Assembly Constituency for the 12<sup>th</sup> Manipur Legislative Assembly Election, 2022 amounts to swearing of false affidavit/declaration with regard to the assets of a candidate, his/her spouse or dependents, constituting corrupt practice irrespective of the impact of such a false declaration on the election of the candidate? It may be presumed that a false declaration

impacts the election in respect of election of 20-Longthabal Assembly Constituency which would materially affect the election of Respondent No. 1.

2. Whether disclosure of wrong educational qualification of Respondent No. 1 at para 10 of the Form-26 Affidavit submitted along with the Nomination Paper for 20-Longthabal Assembly Constituency for the 12<sup>th</sup> Manipur Legislative Assembly Election, 2022 amounts to swearing of false affidavit/declaration with regard to the vital information of a candidate, his/her spouse or dependents, constituting corrupt practice irrespective of the impact of such a false declaration on the election of the candidate? It may be presumed that a false declaration impacts the election in respect of election of 20-Longthabal Assembly Constituency and thus, materially affect the election of Respondent No. 1. In the Form-26 Affidavit submitted by the Respondent No.1, the Respondent No. 1 has stated that he has passed Bachelor of Textile Engineering. The Respondent No. 1 has actually passed Bachelor of Textile Technology.
3. Whether the action of Respondent No. 1 and his son namely, Karam Gulmit and some other workers in beating Laishram Giri Singh alias Kokeshor Singh on the Polling Day of 28<sup>th</sup> February, 2022 at the Polling Station No. 20/18 amounts to indulging in corrupt practice in Election which would materially affects the result of the Election?
4. Whether the execution of the work of road construction by the Respondent No. 1 and his workers without the approval of the competent authority at (1) Longthabal Kunja NH102 to Mari Longbi (ii) Longthabal Kunja Mari Longbi to Little Rose Heinoumakhong and (iii) Lilong Hiyang Road (Meitei Lamkhai) have violated the Model Code of Conduct during the Election amounts to corrupt practice?
5. Whether distribution of money on behalf of Respondent No. 1 by on Thiyam Budhichandra Singh with the help of one Laishram

Bikram Singh (Police Officer) amounts to indulging in corrupt practice in the Election?

6. Whether casting of votes of expired voters by impersonation by supporters of Respondent No. 1 in Polling Station No. 20/25 amounts to corrupt practice?
7. Whether, there is any cause of action in filing the present Election Petition; as much as to the fact that, according to the Election Petitioner, the cause of action of filing the said Election Petition arose only on 13/03/2022?
8. Whether the concise statement of material facts which materially affected the result of the returned candidate has been pleaded in the election petition so as to attract Section 100 and 101 of the Representation of People Act?
9. Whether, material particulars of the allegations and grounds stated in the Election Petition constitute triable cause?
10. Whether the issues raised are triable issues for the fact that no material facts and particulars have been stated?
11. Whether, the allegations of corrupt practice be tried in the absence of Affidavit under Form 25 in terms of Rule 94 of the Representation of People Act and in absence of material particulars?
12. What is material effect in case of acceptance and whether any lapses of duties was there of Returning Officer while scrutinizing the nomination paper?
13. Whether grounds not taken before the Returning Office can be taken in the Election Petition?
14. Whether present petition is based on frivolous baseless allegation?

List for further proceedings on 08.08.2024.

**CHIEF JUSTICE**