

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

El.Recr.Pet.No. 9 of 2022

Konthoujam Govindas Singh

...Petitioner/s

Vs.

Oinam Nabakishore Singh & anr.

...Respondent/s

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

20-01-2023

Heard Mr. A. Mohendro, learned counsel appearing for the petitioner; Mr. N. Ibotombi, learned senior counsel assisted by Mr. A. Rommel, learned counsel appearing for respondent No. 1 and Mr. L. Shashibhushan, learned counsel for respondent No. 2.

After hearing the submissions advanced by the learned counsel appearing for the parties and after careful perusal of the records, the following issues are framed for determination :-

- 1) Whether the respondent No. 1 fraudulently concealed the fact that he is a Scheduled Caste while filing his affidavit in form 26 along with his nomination paper for the 12th Manipur Legislative Assembly Election, 2022 from the 26-Bishenpur Assembly Constituency or not?
- 2) Whether the respondent No. 1 have properly disclosed the property belonging to his spouse located at village No. 42 Keishamthong under CS Dag No. 4313 in the affidavit in form 26 filed by him along with his nomination paper in the 12th Manipur Legislative Assembly Election, 2022 from the 26-Bishenpur Assembly Constituency or not?
- 3) Whether the respondent No. 1 failed to disclose the income and investments of his spouse in the Oriental Vision Enterprises Pvt.

Ltd. in the affidavit in form 26 filed by him along with his nomination paper in the 12th Manipur Legislative Assembly Election, 2022 from the 26-Bishenpur Assembly Constituency or not?

- 4) Whether the affidavit in form 26 and nomination paper filed by the respondent No. 1 in the 12th Manipur Legislative Assembly Election, 2022 from the 26-Bishenpur Assembly Constituency have been filed in substantial compliance with the provision of the Representation of Peoples Act or not and whether acceptance of such affidavit and nomination paper by the Returning Officer was proper or not?
- 5) Whether there is cause of action for filing the Election Recr. Petition?
- 6) Whether the petitioner is entitled to the relief claimed in the present Election Recr. Petition or not?
- 7) Whether the present Election Recr. Petition in the present form is maintainable or not in view of the provisions under the Representation of Peoples Act, 1951 and the High Court of Manipur Rules, 2019

As prayed for by the learned counsel appearing for the parties, list this case again on 25-01-2023 for filing of list of witnesses and the documents to be relied on by both the parties.

JUDGE

Dhakeshori