

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

MC(REVIEW PET.) No. 2 of 2026

State of Manipur & 7 Ors.

... Applicants

- Versus -

Pheiroijam Heramani & 16 Ors.

... Respondents

With MC(REVIEW PET.) No. 27 of 2025
With MC(REVIEW PET.) No. 28 of 2025
With MC(REVIEW PET.) No. 29 of 2025
With MC(REVIEW PET.) No. 3 of 2026
With REVIEW PET. No. 33 of 2025
With REVIEW PET. No. 34 of 2025
With REVIEW PET. No. 35 of 2025
With REVIEW PET. No. 37 of 2025
With REVIEW PET. No. 38 of 2025
With REVIEW PET. No. 39 of 2025

B E F O R E

**HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

O R D E R

[M. Sundar, CJ]

28.04.2026.

[1] Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 16.04.2026 which reads as follows:

[1] Mr. R. Venkataramani, learned Attorney General for India instructed by Mr. Kartikay Agrawal, learned counsel, Mr. Lenin Hijam, learned Advocate General of Manipur instructed by Mr. O. Ratankumar, learned State counsel, Mr. Dimalkumar Haobam, learned State counsel, Mr. I. Amri,

learned State counsel, Ms. Sharmila Rahman, learned State counsel, Mr. S. Chittaranjan, learned Additional Advocate General of Manipur for State of Manipur and Mr. Ch. Momon, learned standing counsel for State Election Commissioner, Manipur are before this Court (Physical Court).

[2] Mr. HS. Paonam, learned senior counsel instructed by Mr. A. Arunkumar, learned counsel on record for respondent Nos. 1, 2, 3 & 6 in Review Petition No. 33 of 2025, Ms. Ayangleima, learned counsel on record for respondent Nos. 11 to 17 in Review Petition No. 33 of 2025 and Mr. S. Biswajit, learned senior counsel instructed by Mr. Sanatomba, learned counsel on record and Mr. H. Pravirkumar, learned counsel on record for petitioners in Review Petition No. 37 of 2025, Review Petition No. 38 of 2025 and Review Petition No. 39 of 2025 are before this Court (Physical Court).

[3] Learned Attorney General for India continued and concluded his submissions.

[4] The following 2 (two) points which are relevant to legal drill at hand emerge:

- (i) there is an amendment to 'Manipur Panchayati Raj Act, 1994 (26 of 1994)' ('said Act' for the sake of brevity and convenience). In and vide this amendment 30 Sections i.e., Sections 110 to 139 have been added to the said Act and the same have been slotted under Chapter – VI. These 30 Sections kicked in i.e. came into force on or from 22.02.2023;*
- (ii) adverting to our earlier proceedings made in the listing on 13.03.2026, more particularly paragraph No. 5 thereat, learned Attorney General for India on instructions submitted that State Election Commissioner has since been appointed vide an order dated 15.04.2024 bearing reference No. Com-3/2/2026/SEC-LAW. A scanned reproduction of this order placed before this Court is as follows:*

GOVERNMENT OF MANIPUR
SECRETARIAT: LAW & LEGISLATIVE AFFAIRS DEPARTMENT

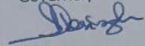
ORDERS

Imphal, the 15th April, 2026

No. Com-3/2/2026-SEC-LAW: In exercise of the powers conferred under article 243K of the Constitution of India read with rules 3 and 6 of the Election Commissioner of Manipur (Conditions of Service) Rules, 1994, the Governor of Manipur is pleased to appoint Shri M. Joy Singh, IAS (Retd.) as State Election Commissioner, Manipur till he attains the age of 62 (sixty two) years, i.e, 31.12.2026.

2. Orders regarding the pay of Shri M. Joy Singh is being issued separately. The other conditions of his service shall be as laid down in the Election Commissioner of Manipur (Conditions of Service) Rules, 1994.

By orders & in the name of
Governor,


(Namojam Kheda Varta Singh)
Secretary (Law)
Government of Manipur.

Copy to:-

1. The Secretary to the Governor, Manipur.
2. The Secretary to Chief Minister, Manipur.
3. P.S. to all Ministers, Manipur.
4. The Staff Officer to Chief Secretary, Government of Manipur.
5. All Additional Chief Secretaries/Principal Secretaries/Commissioners/Secretaries, Government of Manipur.
6. Shri M. Joy Singh, IAS (Retd.), State Election Commissioner, Manipur
7. The Principal Accountant General (A&E), Manipur.
8. All Deputy Commissioners, Manipur.
9. The Secretary, State Election Commission, Manipur.
10. The Director of Printing & Stationery, Manipur. He is requested to publish the order in the Manipur Gazette Extraordinary.
11. The Treasury Officer concerned.
12. Guard file.

[5] *The following 3(three) points unfurled in the hearing:*

- (i) *as regards MC(REVIEW PET.) No. 2 of 2026 taken out by State, learned Advocate General of Manipur on instructions submitted that in limb No. (iii) of the prayer the expression ‘till the conduct of fresh election’ is not being pressed and that the same can be treated as deleted. This submission is recorded and MC(REVIEW PET.) No. 2 of 2026 will now be considered on this basis;*
- (ii) *adverting to sub-paragraph No. (x) of paragraph No. 64 of order dated 29.08.2025 (order sought to be reviewed), it was submitted by Mr. Ch. Momon, learned standing counsel for State Election Commissioner, Manipur that election for local bodies will positively be conducted within 6 (six) months from today i.e. on or before 16.10.2026. In this regard, it was further submitted by learned standing counsel that elections will be so conducted as per amended said Act more particularly the*

amendment qua tiers (3 tiers). It was also submitted by learned standing counsel for State Election Commissioner, Manipur that determination of elected members as per Section 99 of the said Act would be done on the basis of 2011 Census. This submission made on instructions by learned standing counsel for State Election Commissioner, Manipur is recorded as a undertaking given to this Court. Be that as it may, learned standing counsel volunteered to file an affidavit of undertaking in this regard;

(iii) advertng to sub-paragraph No. (xi) of paragraph No. 64 of the order that is sought to be reviewed i.e. common order dated 29.08.2025 in W.A. No. 9 of 2024, W.A. No. 10 of 2024 and W.A. No. 11 of 2024, learned Attorney General for India submitted on instructions that as regards the liberty given to State Government qua appointment of Administrative Committees for Gram Panchayats and Administrators for Zilla Parishads inter-alia vide Sections 22 and 92 respectively of said Act, the State Government has embarked upon the exercise and would complete the exercise as expeditiously as possible.

[6] As regards other aspects of the matter, advertng to proceedings made on 15.12.2025, more particularly Paragraph No. 4 thereat, it was submitted by learned Attorney General for India that though it was earlier submitted that the review is confined to four Sub-paragraphs of Paragraph No. 64 namely, sub-paragraph Nos. (viii) to (xi), it is now confined to sub-paragraph No. (x) besides touching upon sub-paragraph No. (xi) which read as follows:

[64] In view of the above findings, observations and directions, we hold and direct as follows:

- i)*
- ix)*
- x) The State Govt. is directed to conduct fresh election within a period of 6 months.*
- xi) Till the next election is conducted as directed in para (x) above, the State Govt. is at liberty to appoint fresh*

Administrative Committee for the Gram Panchayat and Administrator for Zilla Parishad in terms of the provisions of Section 22, Section 92 and Section 109 of the Manipur Panchayati Raj, Act 1994 for a period not exceeding 6 months.'

[7] *After conclusion of submissions of learned Attorney General for India and Mr. Ch. Momon, learned standing counsel for State Election Commissioner, Manipur, Mr. HS. Paonam, learned senior counsel instructed by Mr. A. Arunkumar, learned counsel on record very fairly submitted that with regard to conduct of elections to local bodies within 6 (six) months from today about which there is allusion elsewhere supra in this order, he is on the same page and he supports the submissions made by learned standing counsel for State Election Commissioner, Manipur and this submission is recorded. To be noted, in this regard, Mr. S. Biswajit, learned senior counsel instructed by Mr. Sanatomba, learned counsel on record submitted that he also supports the submissions made by Mr. Ch. Momon, learned standing counsel for State Election Commissioner, Manipur and this submission is also recorded.*

[8] *Mr. HS. Paonam, learned senior counsel submitted that with regard to the liberty given to State Government vide Sub-paragraph No. (xi) of Paragraph No. 64 of the order sought to be reviewed and the exercise which State Government has embarked upon, he has some submissions to be made. Be that as it may, learned senior counsel submitted that the review itself is not maintainable and pressed into service oft quoted, celebrated '**Padma Sundara Rao & Ors. -vs- State of Tamil Nadu & Ors.**' [(2002) 3 SCC 533] and adverted to paragraph 15 thereof regarding cases on issues and as to when cases on issues which is a construction principle can be supplied by Court. '**Inderchand Jain -vs- Motilal**' [(2009) 14 SCC 663] was also relied upon and paragraph 33 thereof was adverted to five principles propounded by Hon'ble Supreme Court regarding review jurisdiction.*

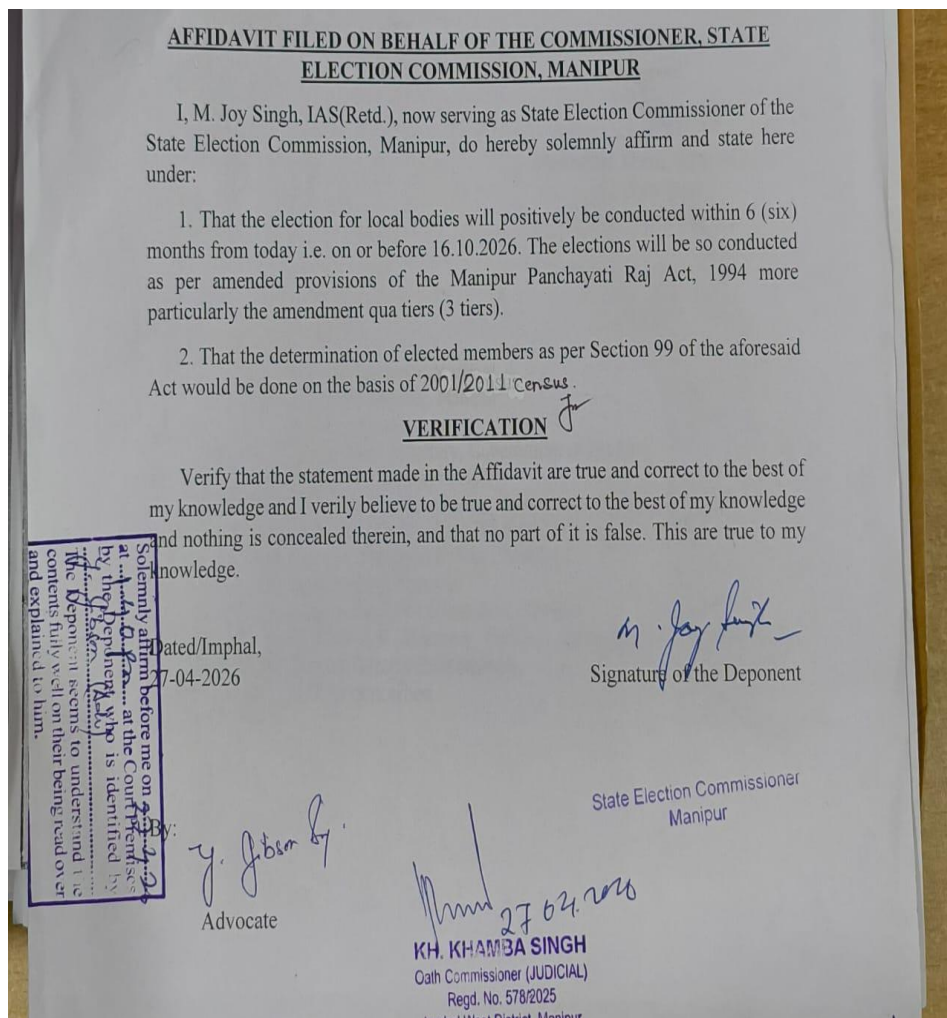
[9] *Thereafter the learned senior counsel expressed difficulty at his end in continuing submissions today/tomorrow and requested for rescheduling the captioned matter to another date.*

[10] *In the next listing, the affidavit alluded to supra in this order shall be filed by Mr. Ch. Momon, learned standing counsel for State Election Commissioner, Manipur and Mr. HS Paonam, learned senior counsel will*

continue and conclude his submissions followed by Mr. S. Biswajit, learned senior counsel and reply, if any, on behalf of State.

[11] List under cause list caption 'PART HEARD' on 28.04.2026.'

[2] At the outset, Mr. Ch. Momon, learned Standing counsel for State Election Commission, Manipur, adverting to sub-paragraph (ii) of paragraph 5 of afore-referred earlier proceedings dated 16.04.2026 submitted that an affidavit of undertaking dated 27.04.2026 has been filed. A scanned reproduction of this affidavit (sans the cause title) is as follows:

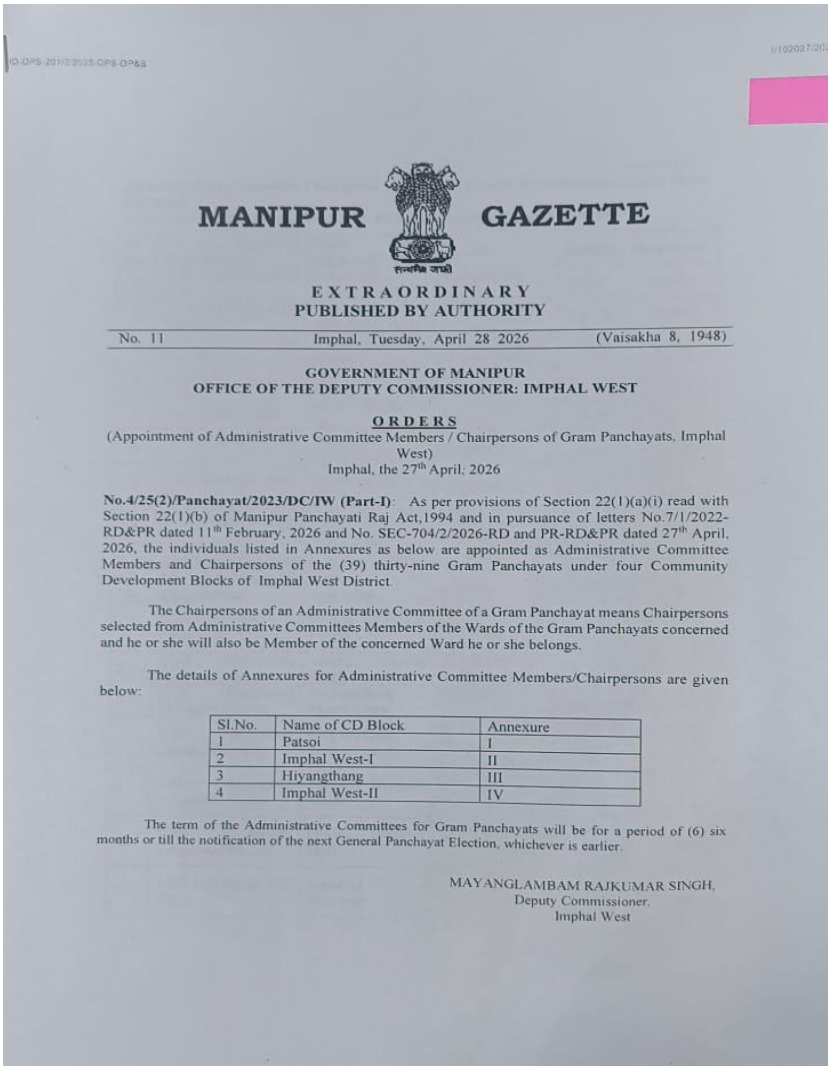


[3] As regards the paragraph 1 of the afore-referred affidavit of undertaking, there is no difficulty and the same is taken on file. As regards

paragraph 2, it talks about 2001/2011 census though it was earlier submitted by learned Standing Counsel for State Election Commission that Section 99 drill {Section 99 of Manipur Panchayati Raj Act, 1994 (26 of 1994)} which has been referred to as 'said Act' in the previous proceedings dated 16.04.2026} will be as per 2011 census. Paragraph No. 2 of the afore-referred affidavit of undertaking talks about 2001/2011 census. It was pointed out that paragraph No. 2 therefore is not in complete consonance with the submission made earlier.

[4] Mr. Ch. Momon, learned Standing Counsel for State Election Commission sought time to file a better affidavit of undertaking with annexures if so desired and if so advised. As regards paragraph 2 alone, to be noted paragraph 1 has been taken on file as already alluded to.

[5] Mr. H.S. Paonam, learned senior counsel instructed by Mr. A. Arunkumar, learned counsel adverting to paragraph 8 of the earlier proceedings dated 16.04.2026 submitted that State Government has since appointed Administrative Committees and has published the same in official Gazette dated 28.04.2026 today (to be noted, the appointment is vide proceedings dated 27.4.2026). A scanned reproduction of the Gazette publication (sans annexures/which contains the names of the appointees) is as follows:



This according to learned senior counsel is over-reached by the State Government and has nullified any further submissions.

[6] Responding to this submission, Mr. Lenin Hijam, learned Advocate General (AG) for State of Manipur along with Soraisham Chittaranjan Singh, learned Addl. Advocate General (Addl. AG) drew our attention to subparagraph (iii) of paragraph 5 of earlier proceedings and submitted that as already submitted the exercise embarked upon by State Government has since been completed not only for Imphal East but 5(five) other Districts also viz.,

Imphal West, Thoubal, Bishnupur, Jiribam, Kakching and placed before us the Gazette notifications with regard to all six Districts (including Imphal West).

[7] Though obvious, for the sake of specificity and clarity we deem it appropriate to write that we have only captured the rival submissions and the stated position of the parties in this regard in this proceedings and the same will be dealt with when final order in the review petitions are made.

[8] Reverting to the affidavit of undertaking of State Election Commission, Mr. S. Biswajit Meitei, learned senior counsel instructed by Mr. W. Sanatomba, learned counsel pointed out that there is an earlier order dated 19.01.2007 made in Public Interest Litigation being Writ Petition (PIL) No.16 of 2005 by a Division Bench which touches upon census report. It was submitted that this 19.01.2007 order was carried to Hon'ble Supreme Court and Mr. W. Sanatomba, learned counsel sought time to place the order of Hon'ble Supreme Court before this Court.

[9] Mr. S. Biswajit Meitei, learned senior counsel added that with regard to constitution of Administrative Committees (which according to Mr. H.S. Paonam, learned senior counsel has nullified his further submissions) there has been no transparency. Responding to this as well as the earlier submissions of learned senior counsel Mr. H.S. Paonam, learned AG pressed into service Rattanindia case law being ***Rattanindia Power Limited reported in 2025 SCC OnLine SC 2936*** for the principle that a respondent cannot question the correctness of an order without filing an appeal, cross-appeal or cross-objection and for the further principle that the person who fails to file an

appeal or cross-objection can be taken as one who is not aggrieved by the operative part of the order.

[10] Mr. H.S. Paonam, learned senior counsel and Mr. S. Biswajit Meitei, learned senior counsel submitted that the orders appointing Administrative Committees should be kept in abeyance but this Court is of the considered view that if aggrieved by the orders, it is open to the parties concerned to assail the same in a manner known to law for being decided on its own merits and in accordance with law and we are not inclined to pass any interim order in this regard in this proceeding.

[11] To enable Mr. Ch. Momon, learned Standing Counsel for State Election Commission to file a better affidavit of undertaking and Mr. W. Sanatomba, learned counsel who is instructing Mr. S. Biswajit Meitei, learned senior counsel to place before this Court the order of Hon'ble Supreme Court arising from the PIL, let these matters stand over to 06.05.2026 before this Special Bench at 2:00 pm.

[12] List on 06.05.2026.

JUDGE

CHIEF JUSTICE

John Kom