

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

W.P. (C) No. 1007 of 2022

K. Holison Raomei

Petitioner

Vs.

State of Manipur; & Ors.

Respondents

**With
MC [W.P. (C)] No. 51 of 2019
With
W.P. (C) No. 325 of 2018**

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. SANJAY KUMAR
HON'BLE MR. JUSTICE MV MURALIDARAN**

02.12.2022

Sanjay Kumar (C.J.):

Mr. HS Paonam, learned senior counsel, appears for the petitioner.

This writ petition was filed assailing the Manipur (Hill Areas) District Council (Sixth Amendment Act), 2022. Interim stay of the operation of the said amendment was also sought pending disposal of the writ petition.

On 23.11.2022, when the matter came up for hearing for the first time, Mr. HS Paonam, learned senior counsel, appearing for the petitioner, requested that the prayer for interim relief be considered. However, Mr. Lenin Hijam, learned Advocate General, Manipur, appearing for respondents No. 1, 2 & 3, sought time to advance arguments on that aspect. The case was accordingly adjourned to 25.11.2022. On 25.11.2022, Mr. I. Amri, learned counsel, representing Mr. Lenin Hijam, learned Advocate General, Manipur, sought an adjournment and it was posted on 28.11.2022. Yet again, on that day, Mr. Lenin Hijam, learned Advocate General, Manipur, sought an adjournment to

29.11.2022. This situation continued on the next date also and Mr. Lenin Hijam, learned Advocate General, Manipur, again sought an adjournment and the case was adjourned to 01.12.2022. On 01.12.2022, the case was taken up for hearing on the issue of interim relief, but Mr. Lenin Hijam, learned Advocate General, Manipur, sought to place reliance on the common judgment dated 10.10.2017 passed by a learned Judge of this Court in W.P. (C) Nos. 433 of 2017 and 455 of 2017. This judgment along with other documents was placed on record by way of a compilation filed in open Court by Mr. Lenin Hijam, learned Advocate General, Manipur. However, only the main prayer in W.P. (C) No. 455 of 2017 was made part of the said compilation and the prayer in W.P. (C) No. 433 of 2017 was not filed therewith. As the argument of the learned Advocate General, Manipur, was that the learned Judge ought not to have dealt with certain issues as there was no prayer made in the writ petitions, perusal of the prayer in the other writ petition was considered essential. The matter was accordingly adjourned to 02.12.2022 to enable the learned Advocate General, Manipur, to file a complete set of papers.

Today, when the matter was taken up, the learned Advocate General, Manipur, sought to place before the Court a fresh compilation of documents. However, when Mr. HS Paonam, learned senior counsel, asked for a copy of the same, the learned Advocate General, Manipur, was unable to comply as he had no extra copy.

This Court has, time and again, insisted upon all the learned counsel who produce documents in open Court to furnish a separate set thereof to the learned counsel appearing on the other side. Despite this being stated in open Court several times and also in his presence, the learned Advocate General, Manipur, remained unmindful of the same. His only argument is that all the documents which are part of the new compilation are part of the earlier record. Even if that be so, it would not be possible for Mr. HS Paonam, learned senior

counsel, to refer to the documents which form part of the present compilation and assist the Court, even if he is in possession of the entire earlier record.

It is a matter of common courtesy for the learned counsel who rely on documents produced in Court to ensure that a copy thereof is furnished to the other learned counsel appearing in the matter. Such common courtesies cannot be done away with so as to enable one side to steal an advantage over the other.

The prayer for interim relief is being effectively stalled by the learned Advocate General, Manipur as is evident from the chronology cited *supra*. In such circumstances, we are not inclined to hear one-sided arguments by permitting the learned Advocate General to make his submissions on the basis of the compilation which has not been shared with the other side.

In any event, *prima facie*, we are of the opinion that the impugned Sixth Amendment reproduces a portion of the Manipur (Hill Areas) District Council (Fifth Amendment) Act, 2018, promulgated *vide* Notification dated 24.03.2018 and more particularly, the substitution of Section 4(2) of the Manipur (Hill Areas) District Council Act, 1971, which was suspended by a Division Bench of this Court in W.P. (C) No. 325 of 2018. The said interim order is still operative and it is not open to the authorities to overreach themselves by replicating a portion of the said notification by way of a new amendment.

There shall accordingly be interim stay/suspension of the operative portion of the impugned Notification dated 17.08.2022, *i.e.*, Clause 3, pertaining to substitution of Section 4(2) of the Principal Act, till the next date of hearing.

Post on 08.12.2022.

It is open to the State authorities to file a complete set of papers after serving an advance copy thereof upon the other side.

JUDGE

CHIEF JUSTICE

Sandeep