

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

**M.C. (WA) No. 88 of 2023**

1. All Manipur Tribal Union, Represented by its President Mr. R.K Ajin, aged about 64 years, S/o Late RK Lungtung, having its office at Langol Tarung Village, PO & PS Lamphelpat, Imphal West District, Manipur- 795004.
2. All Tribal Disabled Union (Govt. Regd. No. 259/M/SR/07), represented by its President Mr. Momo Tantanga, aged about 31 years, S/o. Ks Angkha, having its registered office at Kabo Leikai, Dewlahland, PO & PS Imphal, Imphal East District, Manipur- 795001.
3. The Joint Co-ordination Committee on Tribal Rights, Represented by its Executive member Mr. Majarin Phoumei, aged about 67 years, S/o (Late) Chakandinang Phoumei, having its office at Tuibong Village, Churachandpur District, Manipur- 795128.
4. All Tribal Student Union Manipur (ATSUM) represented by its Secretary Information & Publicity, Mr. Khaiminlen Doungel, aged about 36 years, S/o Mr. Douthang Doungel, having its office at Adimjati Complex, Chingmeirong, Imphal West, Manipur-795001.
5. All Tribal Student Union Manipur (ATSUM) represented by its Secretary Rights and Reservation, Mr. Shimthar Jajo, aged about 38 years, S/o Silas Jajo, having its office at Adimjati Complex, Chingmeirong, Imphal West, Manipur – 795001.

***Applicants***

**Vs.**

1. Shri Mutum Churamani Meetei, aged about 62 years, S/o Late M. Iboton Meetei of Kabo Leikai Dewlahland, P.O. & P.S- Porompat, District-Imphal East, Manipur, who is the Secretary of the Meetei (Meitei) Tribe Union being Regd. No. 15 of 2022.
2. Shri Puyam Ranachandra Singh, aged about 43 years, S/o Puyam Kushumani Singh of Langathel Laikom Bazar, P.O. & P.S- Thoubal, District-Thoubal, Manipur, who is the Member of the Meetei (Meitei) Tribe Union being Regd. No. 15 of 2022.
3. Shri Thokchom Gopimohon Singh, aged about 73 years, S/o Late Thokchom Somokanta Singh of Keisamthong Laisom Leirak, P.O. & P.S- Imphal, District- Imphal West, Manipur-795001, who is the

- Member of the Meetei (Meitei) Tribe Union being Regd. No. 15 of 2022.
4. Shri. Sagolsem Robindro Singh, aged about 66 years, S/o S. Amu Singh of Sagolband Khamnam Bazar, P.O. Imphal & P.S. Lamphel, District-Imphal West, Manipur-795001, who is the Member of the Meetei (Meitei) Tribe Union being Regd. No. 15 of 2022.
  5. Shri. Elangbam Baburam, aged about 76 years, S/o (Late) E. Leipakmacha Singh of Keirak Khongnang Leikai, P.S. Kakching BPO Keirak, P.O. Kakching District-Kakching, Manipur, who is the Member of the Meetei (Meitei) Tribe Union being Regd. No. 15 of 2022.
  6. Shri. Leihaorambam Projit Singh, aged about 62 years, S/o L. Surjit Singh of Sorok Atingbi Khunou Hilghat, P.O. & P.S.- Jiribam, District-Jiribam, Manipur-795115 who is the Member of the Meetei (Meitei) Tribe Union being Regd. No. 15 of 2022.
  7. Shri Thiyam Romendro Singh, aged about 46 years, S/o Th. Ibobi Singh of Ningthoukhong Ward No. 5, Ningthoukhong Kha Bishnupur, P.O. & P.S.-Bishnupur, District-Bishnupur, Manipur-795126, who is the Member of the Meetei (Meitei) Tribe Union being Regd. No. 15 of 2022.
  8. Shri Mutum Nilamani Singh, aged about 61 years, S/o M. Jadhop Singh of Chingdong Leikai, P.O. & P.S.- Jiribam, District-Jiribam, Manipur-795115, who is the Member of the Meetei (Meitei) Tribe Union being Regd. No. 15 of 2022.

***Private Respondents***

9. The State of Manipur represented by Chief Secretary, Government of Manipur, Babupara, Old Secretariat Complex, Imphal West, Manipur.
10. The Chief Secretary of the Government of Manipur, Babupara, Old Secretariat Complex, Imphal West, Manipur.
11. The Secretary Tribal Affairs and Hills Department, Babupara, Old Secretariat Complex, Imphal West, Manipur.
12. The Secretary, Ministry of Tribal Affairs, Government of India, Shistri Bhavan New-Delhi-110001.

***Official Respondents***

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

For the Applicants : Dr. Colin Gonsalves, Sr. Advocate assisted by Mr. Wungpam Yangya, Advocate.

For the official respondents : Mr. M. Devananda, Addl. AG assisted by Ms. Jyotsana, Advocate and Mr. Armananda, Advocate.

For the private respondents : Mr. M. Hemchandra, Sr. Advocate assisted by Mr. Ajoy Pebam, Advocate and Mr. N. Jotendro, Sr. Advocate assisted by Md. Abdul Baqee Khan, Advocate.

Date of Hearing : **05.10.2023.**

Date of Judgment & Order : **19.10.2023**

**JUDGMENT & ORDER**  
**(CAV)**

*(A.Bimol Singh.,J)*

Heard Dr. Colin Gonsalves, learned senior counsel assisted by Mr. Wungpam Yangya, learned counsel appearing for the applicants, Mr. M. Devananda, learned Addl. AG assisted by Ms. Jyotsana, learned counsel appearing for respondents No. 9-11, Mr. Armananda, learned counsel appearing for respondent No. 12, Mr. M. Hemchandra, learned senior counsel assisted by Mr. Ajoy Pebam, learned counsel and Mr. N. Jotendro, learned senior counsel assisted by Md. Abdul Baqee Khan, learned counsel appearing for the private respondents No. 1-8.

**[2]** The present application had been filed with a prayer for granting leave to the applicants for filing an appeal against the Judgment and Order dated 27.03.2023 passed by the Ld. Single Judge of this Court in W.P.(C) No. 229 of 2023.

**[3]** Dr. Colin Gonsalves, learned Senior Counsel appearing for the applicants submitted that the respondents No. 1-8 filed a writ petition being W.P.(C) No. 229 of 2023 before this Court praying, inter-alia, for issuing a direction to the Government of Manipur to submit the recommendation in reply to the letter dated 29.05.2013 of the Government of India, Ministry of Tribal Affairs regarding granting of Scheduled Tribes status to Meetei/Meitei Community in the State of Manipur within a stipulated period. The said writ petition was disposed of by the Ld. Single Judge by passing a judgment and Order dated 27.03.2023 with the following directions:-

“17. In the result,

- (i) The writ petition is disposed of.
- (ii) The first respondent is directed to submit the recommendation in reply to the letter dated 29.05.2013 of the Ministry of Tribal Affairs, Government of India.
- (iii) The first respondent shall consider the case of the petitioners for inclusion of the Meetei/Meitei Community in the Scheduled Tribe List, expeditiously, preferably within a period four weeks from the date of receipt of a copy of this order in terms of the averments set out in writ petition and in the line of the order passed in WP(C) No. 4281 of 2002 dated 26.05.2003 by the Gauhati High Court.
- (iv) No costs.

**[4]** The learned counsel submitted that the present applicants No. 1-5, who are the office bearers of various Tribal Civil Society Unions/Associations/Student Unions associated with the rights of the Tribal Community in the State of Manipur were not a party in the said writ petition. It has been submitted that the said judgment and order dated 27.03.2023 passed by the Ld. Single Judge in WP(C) No. 229 of 2023 has adversely affected the fundamental rights as well as the constitutional

rights of the 34 (thirty four) recognized Tribes of the State of Manipur and accordingly, the present application had been filed seeking leave of this court for allowing the applicants to file an appeal against the said judgment and order.

**[5]** The learned senior counsel submitted that the applicants are aggrieved -

- (i) Firstly because if the impugned order is allowed to stand and if, ultimately, the Meetei's/Meitei's community is wrongly granted STs Status then, this will adversely affect the existing tribal ST's in employment and education where reservation for STs exists and that the Meetei's /Meitei's community being dominant and advanced politically, economically and educationally will grab majority of the ST reserved seats;
- (ii) Secondly most of the land in the hills are owned by the tribals, however, the Meetei's/Meitei's community is determined to grab the land of the tribals and if the Meetei's/Meitei's community gets ST status then they will enter in the hill area in large numbers and they will attempt to grab the land of the tribal. This attempt to grab the land is also an attempt to grab the petroleum, Natural Gas, Chromite, limestone and other minerals found in the hill areas which belong to the tribals and as such, tribals will be adversely affected in respect of ownerships of the Lands in the Hills;
- (iii) Thirdly, 20 seats in Manipur Legislative Assembly are reserved for the tribals in the hill areas and 40 seats for the Meetei's/Meitei's community, if the Meetei's/Meitei's are given ST status being dominant and numerous in population they will also begin to grab the ST seats in the hills.

To sum up, the impugned order deserve to be quashed because otherwise financially, educationally and every other way dominant community will grab all the reserved posts and seats in

employment and education and also political power will shift sharply in favour of Meetei's/Meitei's and against the tribals and finally tribals seats will be lost to the Meetei's/Meitei's hand.

**[6]** The Learned Senior counsel strenuously submitted that in the petition filed before the Ld. Single Judge, the Respondents No. 1 to 8 herein has submitted that Meetei community has been traditionally recognized as a tribe and that if the applicants are not allowed to challenge the Judgment of the Learned Single Judge, this falsehood will not be exposed and there will be no issue framed before the Hon'ble High Court hearing the matter on the merits as to whether the Meetei/Meitei community is a schedule tribe or not. It has also been submitted that none of the documents referred to in para 5 onwards in the Writ Petition filed by the Respondents No. 1-8 before the Hon'ble Single Judge, when carefully pursue, says that Meetei community is a Schedule tribe. If the applicants are not granted leave to file the writ appeal, the completely false declaration on facts made in the petition will go unchallenged and injustice will be done.

**[7]** The learned senior counsel also submitted that the Meetei/Meitei communities are not a tribe(s) and have never been recognized as a tribe(s). In fact, they are very much an advanced community though some of them may come within SC, OBC and that many Meeteis/Meiteis are today taking advantages of SC and OBC caste certificates and it is not permissible in law for a community to claim SC and OBC caste certificates and avail of that reservation and thereafter also seeks ST certification.

**[8]** It has been submitted that a perusal of all the documents annexed with the writ petition seeking to justify inclusion in the presidential order miserably failed to show even a single line relating to backwardness and the documents do not establish that the Meiteis were at any stage geographically isolated like Tribals and that the Meeteis/Meiteis were associated with Kings and occupied special and dominant position. The Learned Senior Counsel also submitted that the clamour for

ST status now is not based on backwardness but on the desire of the dominant community to grab the reservation in employment and education available as well as to enter the Hill areas which do not allow access to non Tribals and grab the tribal lands and that the High Court should not allow such mala-fide intentions to fructify.

**[9]** The learned senior counsel further submitted that the Ld. Single Judge cannot make an order to the State or Central Government to consider the representations of the Meeteis/Meiteis as no materials have been submitted by the Meeteis/Meiteis to the State or Central Government showing backwardness and that if the materials submitted to the Court have not an iota of evidence relating to the backwardness, then there is nothing for the State Government to consider and therefore there was no reason for the Ld. Single Judge to direct the State or Central Government to consider the representations.

**[10]** The learned senior counsel vehemently submitted that the Hon'ble Apex Court has laid down the Principle of Law in the case of "***State of Maharashtra vs. Milind and Ors.***" reported in (2001) 1 SCC 4 that Courts cannot and should not expand jurisdiction to deal with the question as to whether a particular casts, sub-casts, a group or part of tribe or sub-tribe is to be included as a scheduled tribe in the presidential order. According to the learned senior counsel, the basic mistake made by the Ld. Single Judge was in directing the State to make a recommendation to the Central Government to include the Meeteis/Meiteis Community as a scheduled tribe in the presidential list, the second mistake is the conclusion that the issue of inclusion of the Meeteis/Meiteis was pending for nearly 10 (ten) years and the third mistake was in concluding that the Meeteis/Meiteis are tribes. The learned senior counsel accordingly submitted that unless leave as sought for by the applicants is granted, they will be left without any remedy to challenge or rebut this points and to redress their grievances.

[11] By relying on the judgment rendered by the Hon'ble Apex Court in the case of "**Smt. Jatan Kumar Golcha vs. Golcha Properties (P) Ltd.**" reported in (1970) (3) SCC 573, "**Shanti Kumar R. Canji vs. The Home Insurance Co. of New York**" reported in (1974) 2 SCC 387 and "**State of Rajasthan & Ors. vs. Union of India & Ors.**" Reported in (1977) 3 SCC 592, it has been submitted by the learned senior counsel that a person who is not a party to the writ petition can prefer an appeal with the leave of the appellate Court and such leave can be granted if the person would be prejudicially affected by the judgment.

[12] Mr. M. Devananda, learned Addl. AG appearing for the State respondents submitted that the judgment and order dated 27.03.2023 passed by the Ld. Single Judge cannot in any way affect the rights of the Tribals of Manipur as the judgment and order merely directed the State Government to submit recommendation for inclusion of the Meetei/Meitei community to the scheduled tribe list. It has been submitted that the recommendation of the State Government is the pre-requisite for initiating the process for inclusion in the scheduled tribe list as per the provisions of Article 342 of the Constitution of India and that the process begins at the level of the State Government or the Union Territories, with the Government or Administration seeking the addition or inclusion of a particular community or communities to the SC or ST list. It has also been submitted that the proposal to include or remove any communities from the scheduled list is sent to the Union Ministry of Tribal Affairs and the Ministry of Tribal Affairs after examining the proposal sent it to the Registrar General of India and if the Registrar General of India approved the proposal, the same is sent to the National Commission for SC or National Commission for ST and thereafter the proposal is sent back to the Union Government, which after inter-Ministerial Deliberation, introduced it in the cabinet for final approval. The learned Addl. AG submitted that the inclusion or exclusion of any community in SC/ST list comes into effect only after the president gave



ascent to the bill that amends the constitution (STs) order 1950 after it has been passed by both the Lok Sabha and Rajya Sabha.

**[13]** Mr. M. Devananda, learned Addl. AG further submitted that taking into consideration the lengthy process as mentioned hereinabove, it is very clear that the applicants filed the present application without any legal basis and on mere unfounded apprehension, simply to delay the execution of the judgment and order dated 27.03.2023. It has also been submitted that in the present case, the judgment and order of the Ld. Single Judge dated 27.03.2023 merely directed the State Government to submit recommendation for initiating the process for inclusion of the Meeteis/Meiteis in the ST list and not for inclusion of the Meeteis/Meiteis Community in the presidential order by circumventing the constitutional provisions and as such the writ appeal sought to be filed by the applicants are not maintainable as there is no ground for filing the said appeal. The learned Add. AG accordingly submitted that there is no ground or reason for granting leave to file third party appeal against the judgment and order of the Ld. Single Judge and as such the present application is liable to be rejected.

In support of his contentions Mr. M. Devananda, learned Addl. AG cited the following case Laws:- (i) **"Jasbhai Motibhai Desai vs. Roshan Kumar, Haji Bashir Ahmed & Ors."** reported in (1976) 1 SCC 671 (Para 12, 13, 37-39, 48-50), (ii) **"Ayaubkhan Noorkhan Pathan vs. State of Maharashtra & Ors."** reported in (2013) 4 SCC 465 (Para 9-13).

**[14]** Mr. M. Hemchandra, learned senior counsel appearing for respondents No. 1-8 submitted that the simple case of the private respondents No. 1-8 is that:-

(a) In spite of having various records of the status of Meetei/Meitei Community as Meetei/Meitei Tribes, the Meetei/Meitei Tribes had been left out at the time of preparation of Schedule Tribes List under the Constitution of India.

(b) Thereafter, Meetei/Meitei Tribes approached the authorities concerned since last so many years but failed to consider for initiation of process for inclusion in the Schedule Tribes List under the Constitution of India.

(c) Finally, the Ministry of Tribal Affairs, Government of Manipur sent a Letter dated 29/05/2013 to the State Government whereby requesting for submission of recommendation from the State Government.

(d) Since last 10 (ten) years, the letter dated 29/05/2013 has been lying at the Office of the State Government without any attention.

(e) Thereafter, the Private Respondent Nos. 1 to 8 have no alternative except to ventilate their grievance through Hon'ble High Court of Manipur under Art 226 of the Constitution of India.

(f) The Private Respondent Nos. 1 to 8 prayed as many as 8 (eight) prayers but considering legal impediment of the other players and also considering the consent of the parties who is going to send the recommendation in reply to the Letter dated 29/05/2013, the Ld. Single Judge of the Hon'ble Court was pleased to pass the Judgment and order dated 27/03/2023.

(g) The Ld. Single Judge of the Hon'ble Court simply directed to send the recommendation in reply to the Letter dated 29/05/2013 as the same was pending since last 10 (ten) years and the words "recommendation" is a technical terms which is mentioned by the Government of India in its procedure for inclusion or exclusion of the Tribes status in the list of Scheduled Tribes under the Constitution of India.

(h) The case of the Private Respondent Nos. 1 to 8 is nothing but to complete the process from the side of the State Government and let the authority concerned decide on its merits either for inclusion or rejection.

The learned senior counsel submitted that in view of the above facts of the case, it is made clear that no rights or interests of the applicants have been adversely affected or jeopardized by the judgment and order of the Ld. Single Judge.

**[15]** Mr. M. Hemchandra, learned senior counsel submitted that after the inclusion of the 34 (thirty four) Tribes of Manipur in the list of scheduled Tribes under the constitution of India, many other Community in India have also been included in the list of scheduled Tribes under the Constitution of India and in such cases, the applicants never objected by saying that they are aggrieved, however, only when the Meetei/Meitei Community approached the authority by demanding their legitimate rights, the applicants raised objection by saying that they are aggrieved parties, which is not acceptable at all. The learned senior counsel submitted that there is no iota of truth in the claim made by the applicants that the Tribals are the owners of the lands and natural resources in the Hill areas of Manipur.

In fact, the State Government is the real owner of the lands in the Hill areas of Manipur and the Union of India is the sole owner of all natural resources like petroleum, natural gas, chromite, lime stone and other minerals, which are found in the soil of India. Accordingly, the grievances raised by the applicants are without any basis and cannot be accepted.

**[16]** The learned senior counsel further submitted that the applicants have failed to demonstrate how any of their rights have been affected by the directions given by the Ld. Single Judge and how the process for inclusion of the Meetei/Meitei Community in the scheduled Tribe list directly or indirectly affects their rights in any way and as such the applicants are not aggrieved party in the present case and the present application is wholly misconceived and not tenable in the eyes of law.

In support of his contentions, the learned senior counsel cited the following case laws:-

- (i) ***"Ayaaubkhan Noorkhan Pathan vs. State of Manipur & Ors"***  
*reported in (2013) 4 SCC 465 (Para 9-11).*

- (ii) **"Ashok Singh & Ors. Vs. State of Uttar Pradesh & Ors."**  
*Reported in (2018) 9 SCC 723 (Para 3-5).*
- (iii) **"V.N. Krishna Murthy & Anr. Vs. Ravikumar & Anr."** reported in  
*(2020) 9 SCC 501 (Para 15-23).*
- (iv) **"My Palace Mutually Aided Co-operative Society vs. B Mahesh & Ors."** reported in 2022 Live Law (SC) 698 (Para 30).

[17] We have heard at length, the rival submissions advanced by the learned counsel appearing for the parties and also examined the materials available on record. Even though, the arguments of the learned counsel appearing for the parties are only in respect of the present application for granting leave to file third party appeal, the learned counsel have addressed this Court extensively with regard to the merit of the case also.

In view of the nature of the arguments and counter arguments advanced by the learned counsel appearing for the parties touching extensively upon the merits of the case, we are of the view that it will be just and proper to consider the connected appeal on merit for a just and proper adjudication of the issues raised by the learned counsel appearing for the parties after examining the materials available in the record of the connected writ appeal.

[18] In the case of **"A. Subash Babu vs. State of Andhra Pradesh"** reported in (2011) 7 SCC 616, it has been held by Hon'ble Apex Court at paragraph 25 of the judgment that the expression 'aggrieved person' denotes an elastic and an elusive concept and that it cannot be confined within the bounds of a rigid, exact and comprehensive definition. Its scope and meaning depends on diverse, variable factors such as the content and intent of the statute of which the contravention is alleged, the specific circumstances of the case, the nature and extent of the complainant's interest and the nature and the extent of the prejudice or injury suffered by the complainant.

**[19]** In the present case, the main grievance raised by the applicants is that they will be prejudicially affected if they are not given a chance to have a say or to raise objection in the matter of granting STs status to the Meetei/Meitei Community and that their rights and interests will be prejudicially affected unless they are given an opportunity to challenge the judgment and order passed by the Ld. Single Judge by filing a writ appeal and that they will be precluded from attacking the correctness in granting STs status to the Meetei/Meitei Community in other proceedings.

Taking into consideration the nature of the arguments advanced by the learned counsel appearing for the parties which needs to be examined and decided on the basis of the materials available in the connected writ appeal and writ petition and taking into consideration the nature of the grievances raised by the applicants, we are inclined to grant leave sought by the applicants in the present application.

Accordingly, the present application is allowed.

Registry is directed to number the connected writ appeal and list it for admission hearing if the same is otherwise found to be in order.

With the aforesaid directions, the present application is disposed of.

**JUDGE**

*Sapana*

**JUDGE**

**FR/NFR**