

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

MC(WP(C))No.273 of 2022
Ref: WP(C)No. 595 of 2022.

1. Sapam Rameshwor Singh, aged about 58 years, S/O (late) S. Tomchou Singh of Thongju Part-II, P.O. Canchipur, P.S. Singjamei, Imphal East District, Manipur – 795 003.
2. Sagolsem Shamungou Singh, aged about 59 years, S/o (late), S. Chaoba Singh of Singjamei Wangma Bhageibati Leikai, PO Imphal, PS Porompat, Imphal East District, Manipur-795001;
3. Samurailatpam Thambal Sharma, aged about 64 years, S/o (late) S. Krishmani Singh Sharma of Singjamei Waikhom Leikai, PO & PS Singjamei, Imphal West District, Manipur-795008
4. Aheibam Ragnar Singh, aged about 80 years, S/o (late) A. Thambalngou of Chingamakha Maishnam Leikai, PO & PS Singjamei, Imphal West District, Manipur-795008.

..... Applicants

– Versus –

1. Mayanglambam Ajitkumar Singh, aged about 70 years, S/O M. Achanba Singh of Thangmeiband Lourung Purel Leikai, P.O. & P.S. Imphal, Imphal West District, President, General Body Meeting dated 22.05.2022 of Manipur Master Athletic Association being its Regd. Office at khuman Lampak Main Stadium, Room No. 32 Imphal East District, Manipur.
2. Shamurailatpam Jayantakumar Sharma, aged about 63 years, S/o (late) Sh. Nimai Sharma of Sagolband Meino Leirak, PO & PS Imphal, Imphal West District, Manipur, Convenor, General Body Meeting dated 22.05.2022 of Manipur Master Athletic Association being its Regd. Office at Khuman Lampak Main Standium, Room No.32 Imphal East District, Manipur.

.....Principal Respondents

- 3 The State of Manipur through the Principal Secretary (Co-operation), Govt. of Manipur, Secretariat Building-Imphal West District, Manipur.

4. The Registrar of Societies, Government of Manipur at
Lamphelpat, Imphal, PO & PS Lamphel, Imphal West District,
Manipur

.....Proforma Respondents

with

MC(WP(C))No.299 of 2022

Ref: WP(C)No.595 of 2022

1. R.K Chourajit, aged about 66 years, S/o R.K. Tolpishak of Elangbam Leikai, Mayokpha, PO & PS Imphal, District,- Imphal West, Manipur
2. Naoroibam Subadani Devi, aged about 56 years, W/o Late Naoroibam Punshi Luwang of Khurai Konsam Leikai PO & PS Lamlong, PS Porompat, Imphal East District, Manipur.
3. Langpoklakpam Yaimachou Singh, aged about 60 years, S/o Late Langpoklakpam Mangoljao of Nilakuthi, Koirengei, PO Mantripukhri, PS Heingang, Imphal East District, Manipur.

..... Applicants.

– Versus –

1. The State of Manipur through the Principal Secretary (Co-operation), Govt. of Manipur, Secretariat Building-Imphal.
2. The Registrar of Societies, Government of Manipur at Lamphelpat, Imphal, PO & PS Lamphel, Imphal West District, Manipur

....Respondents.

3. Mayanglambam Ajitkumar Singh, aged about 70 years, S/O M. Achanba Singh of Thangmeiband Lourung Purel Leikai, P.O. & P.S. Imphal, Imphal West District, President, General Body Meeting dated 22.05.2022 of Manipur Master Athletic Association being its Regd. Office at khuman Lampak Main Stadium, Room No. 32 Imphal East District, Manipur.
4. Shamurailatpam Jayantakumar Sharma, aged about 63 years, S/o (late) Sh. Nimai Sharma of Sagolband Meino Leirak, PO & PS Imphal, Imphal West District, Manipur, Convenor, General Body Meeting dated 22.05.2022 of Manipur Master Athletic Association being its Regd. Office

at Khuman Lampak Main Stadium, Room No.32 Imphal
East District, Manipur.

...Proforma Respondents

BEFORE
HON'BLE MR. JUSTICE M.V. MURALIDARAN

For the Applicants	:	Mr. Th. Mahira, Adv. in MC(WP(c) No.273 of 2022 & Mr. L. Sanjoy, Adv. in MC(WP(C))No.299 of 2022
For the Respondents	:	Mr. NG Somorjit, Adv & CH. Sundari, GA in MC(WP(C))No.273 of 2022 and A. Vashum, GA in MC(WP(C))No.299 of 2022
Date of Reserved	:	16.11.2022
Date of order	:	19.12.2022

JUDGMENT & ORDER
(CAV)

[1] These applications have been filed by the applicants to implead them as respondents in the writ petition.

[2] Heard learned counsel for the applicants; learned counsel for the respondents-writ petitioners and the learned Government Advocate for the official respondents.

[3] The learned counsel for the applicants in MC (WP) No.273 of 2022 submitted that the applicants are General Secretary and members of the Manipur Master Athletic Association (MMAA) and the respondents-writ petitioners have filed the writ petition to quash the order dated 24.5.2022 and to direct the Registrar of Societies, Manipur the MMAA to function freely and that the writ petition has been filed the petitioners alleging that they are President and Convener of the General Body Meeting of MMAA held on 22.5.2022 and to give approval of the said General Body Meeting by the Registrar of Societies, Manipur.

[4] The learned counsel further submitted that the term of office of the MMAA expired in this year and so far no formal General Body Meeting was convened for appointing new officer bearers of MMAA by the genuine members. On 11.5.2022, the Registrar of Societies passed an order stating that a fresh election of the office bearers/executive committee members will be conducted by the Department. Following the order dated 11.5.2022, a notification dated 7.6.2022 was issued by the Returning Officer notifying the schedule date of election on 23.6.2022. He would submit that on 13.6.2022

the Assistant Registrar of Societies issued a letter stating that the total eligible members of the MMAA is 513.

[5] The learned counsel further submitted that aggrieved by the letter dated 13.6.2022, the applicants have submitted a representation dated 20.6.2022 to the Additional Chief Secretary, Co-operation stating that as per records, the total approved members of the MMAA is 296 and out of which many members were expired and some have failed to pay their renewal fees and are required to be deleted as per the provisions of bye-law of the MMAA. In the said representation, the applicants have also prayed to initiate an enquiry and further to allow MMAA to hold General Body Meeting to transect the requirement under the provisions of Section 16 and 17 of the Manipur Societies Registration Act and to appoint new office bearers. Upon receipt of the said representation, a notification dated 20.6.2022 was issued by the Returning Officer postponing the election of the office bearers until further notice.

[6] The learned counsel urged that placing a false story, the respondents-writ petitioners have filed the writ petition so as to enable them to obtain a favourable order from this Court and in order to highlight the true

facts and due process of hearing, the applicants are to be impleaded as party respondents in the writ petition.

[7] Similarly, the learned counsel appearing for the applicants in MC (WP) No.299 of 2022 submitted that the applicants are members/ex-office bearers/executive members of MMAA and they are all veteran sports persons and that the applicants have filed applications dated 28.3.2022, 20.5.2022 and 12.6.2022 to the concerned authorities for conducting free and fair election to MMAA and then the Registrar of Societies also issued orders in connection with the election. According to the learned counsel, while so, some vested interested persons/members of the association have tried to mislead the order dated 8.3.2022 passed in W.P.(C) No.710 of 2018 and that the writ petitioners have also published false and concocted information/notice in the local newspapers in different capacities without any approval.

[8] The learned counsel further submitted that the applicants are interested and necessary parties in connection with the relief prayed for in the writ petition and therefore, they will have to be impleaded as party respondents in the writ petition so as to enable them to assist the Court.

[9] Per contra, the learned counsel appearing for the respondents-writ petitioners submitted that the prayer of the applicants in MC (WP) No.273 of 2022 is to initiate enquiry to verify the members of the MMAA and the said relief relates to the Registrar of Societies and for that, the applicants need not be impleaded. Further, the prayer of the applicants is to allow the MMAA to hold a General Body Meeting to transect the requirement under the provisions of Section 16 and 17 of the Manipur Societies Registration Act and for appointment of new officer bearers/executive committee members.

[10] The learned counsel further submitted that the respondents-writ petitioners had called General Body Meeting of the members of MMAA by publishing in a local daily to be held on 22.5.2022 at Ima Khuntho khanbi Sanglen, D.M. College Campus and the said General Body Meeting was convened on the said date. The present applicants have neither challenged, nor raised any objection in regard to the General Body Meeting held on 22.5.2022 and in fact, the applicants have failed to show their locus standi and vested interest to implead them as party respondents in the writ petition. Moreover, no relief sought against the applicants and, therefore,

they are neither necessary nor proper parties. Thus, a prayer is made to dismiss the applications.

[11] The learned Government Advocate appearing for the official respondents submitted that the Registrar being the authority under the Manipur Societies Registration Act, 1976 had issued orders dated 24.5.2022 and 11.5.2022 which were in compliance of the order dated 8.3.2022 passed in W.P.(C) No.710 of 2018. Therefore, the Registrar had not acted illegally or in violation of the rights of the members of the association or in violation of the bye-laws of the MMAA.

[12] This Court considered the rival submissions and also perused the materials available on record.

[13] The grievance of the applicants is that they are necessary parties in the writ petition, as they are members of MMAA and the claim of the respondents-writ petitioners is directly affecting the right of the applicants in many ways related with the conducts and administration of MMAA. Further grievance of the applicants is that the applicant Chourajit and the deceased Bramhacharimayum Angousana Sharma have earlier

filed W.P.(C) No.710 of 2018 and by the order dated 8.3.2022, the said writ petition was disposed of by observing that it is the authority concerned to decide the fresh election for the next term as early as possible. Based on the applications of the applicants in MC (WP) No.299 of 2022, the Registrar of Societies issued orders in connection with the election of MMAA. However, in breach of the order dated 8.3.2022, the respondents-writ petitioners have published false news in the local newspapers. Thus, the applicants are necessarily be impleaded as respondents in the writ petition.

[14] On the other hand, it is the plea of the respondents-writ petitioners that the applicants are in no way related to the prayer made in the writ petition and the prayer of the applicants is concerned with the Registrar of Societies. Further, no relief sought against the applicants. Therefore, they are neither necessary parties, nor proper parties.

[15] The point that arises for consideration is whether the applicants are necessary or proper parties to be impleaded as respondents in the writ petition.

[16] The respondents-writ petitioners have filed the writ petition praying to quash the order dated 24.5.2022 and to direct the official respondents to consider the case of the respondents-writ petitioners for freely functioning of the MMAA.

[17] In the affidavit-in-opposition filed in MC (WP) No.273 of 2022, the respondents-writ petitioners stated as under:

“2.

It is worth to mentioned herein that the present answering principal respondents/petitioners had called General Body Meeting of the members of the MMAA by publishing in the local daily on 5/5/2022 namely “Naharolgee Thoudang, Sangai Express and Huiyen Lanpao” to be held on 22/05/2022 at the Ima Khuntho khanb Sanglen, D.M. College Campus. And the said General Body Meeting was convened on the said day i.e. 22/05/2022 by the petitioner No.2 and presided by the Petitioner No.1 and the list of members on attained on the said General Body Meeting was enclosed as Annexure A/1 in the above referred writ petition.”

[18] The prayer in the writ petition is to quash the order dated 24.5.2022 passed by the second respondent as illegal and stated that the Registrar of Societies, Manipur authorised the Returning Officer to appoint Assistant Returning Officer and subordinate officials from the Department to assist the Returning Officer/Assistant Returning Officer for conducting the election smoothly.

[19] On the other hand, the applicants in MC (WP) No.273 of 2022 contended that so far no formal General Body Meeting of MMAA was convened for appointing new officer bearers of MMAA by the genuine members. Further, in order to highlight the correct details to the Court, the applicants have to be impleaded as party respondents.

[20] The applicants are also disputing the total approved members of the MMAA stated by the respondents-writ petitioners. According to the applicants, the approved members of MMAA is 296, out of which many members died and some have failed to renew their membership by paying the required fees. According to the applicants, contrary to the order dated 8.3.2022 passed in W.P.(C) No.710 of 2018, the respondents-writ

petitioners published false news in the local newspapers. Further, according to the applicants, the Registrar of Societies, Manipur, ought not to have come to a conclusion of holding election of MMAA, but should have directed to hold Annual General Body Meeting with agenda for appointment of new officer bearers/executive committee members. The sole authority for appointment of office bearers/executive committee members is the General Body and not the Registrar of Societies and, thus, the order dated 11.5.2022 has been issued in contravention of the provisions of the Manipur Societies Registration Act and its rules and also bye-laws.

[21] The plea of the respondents-writ petitioners that no relief is sought against the applicants and therefore, applicants are neither necessary, nor proper parties.

[22] There are two types of persons who may be added as party to the proceedings. A person who is a necessary party i.e. in the absence of whom relief claimed in the proceedings cannot be granted. In other words, it means that for the grant of relief claimed in the proceedings, a person who ought to have joined must be added. The second class of persons consists of those who are proper parties i.e. whose presence may be

necessary with a view to fully adjudicate upon the matters involved in the proceedings. Two tests are to be satisfied for determining the question who is a necessary party. The tests are (1) there must be a right to some relief against such party in respect of the controversies involved in the proceedings; (2) no effective decree can be passed in the absence of such party.

[23] Thus, it is clear that a necessary party is one whose presence is absolutely necessary and without whose presence the issue cannot effectually and completely be adjudicated upon and decided between the parties. A proper party is one whose presence would be necessary to effectually and completely adjudicate upon the disputes.

[24] Since certain allegations are levelled by the applicants against the respondents-writ petitioners and also alleged that wrong proceedings were adopted by the official respondents, in order to find out the truth to resolve the controversies involved in the writ petition, this Court is of the view that the applicants are proper parties to the writ petition. Therefore, they should be arrayed as party respondents in the writ petition, as no relief is sought against the applicants.

[25] Considering the overall facts and circumstances of the case and the averments set out in the applications filed by the applicants and taking note of the fact that the applicants were members/ex-office bearers/executive members of MMAA, this Court is of the view that being proper parties to the present writ petition, they should also be heard for deciding the issue involved in the writ petition. For the said purpose, the applicants are to be impleaded as party respondents. If the applicants are impleaded as party respondents in the writ petition, no prejudice would be caused to the respondents-writ petitioners. On the other hand, if the applicants are not impleaded as party respondents, irreparable loss would be caused to the applicants. Therefore, in the interest of justice, both the miscellaneous cases are liable to be allowed.

[26] In the result,

- (i) MC (WP) Nos.273 and 299 of 2022 in W.P.(C) No.595 of 2022 is allowed.
- (ii) The applicants in MC (WP) No.273 of 2022 are ordered to be impleaded as respondents 3 to 6 and the applicants in MC (WP) No.299 of 2022 are

ordered to be impleaded as respondents 7 to 9 in the writ petition.

- (iii) The newly impleaded respondents are at liberty to file their affidavit-in-oppositions.
- (iv) The Registry is directed to carry out necessary amendment in the writ petition.

JUDGE

FR/NFR

John Kom