

**2023 STPL(WEB) 22 SC  
SUPREME COURT OF INDIA**

(VIKRAM NATH AND AHSANUDDIN AMANULLAH, JJ.)

**NG. SUBHACHANDRA SINGH**

Appellant

*VERSUS*

**N. JASOBANTA SINGH AND OTHERS**

Respondent

Transfer Petition (Civil) No(S). 1133 of 2023 with T.P. (C) No.1350 of 2023 and T.P. (C) No.1219 of 2023-Decided on 12-06-2023

**Transfer of Case to Gauhati High Court due to Non-availability of Bench at Manipur High Court**

Advocate(s): Mr. Sapam Biswajit Meitei, Sr. Advocate, Mr. Pragya Singh, Advocate, Mr. Akshay Singh, Advocate, Mr. Shantwanu Singh, Advocate, Mr. Ashutosh Dubey, Advocate, Mr. Rajendra D. Anbhule, Advocate, Ms. Rajshri Dubey, Advocate, Mr. Amit P. Shahi, Advocate, Mr. Amit Kumar, Advocate, Mr. David Ahongsangbam, Advocate, Mr. Mohan Singh, Advocate, Ms. Rajkumari Banju, Advocate, Mr. Pukhrabam Ramesh Kumar, Advocate, Mr. Karun Sharma, Advocate, Ms. Anupama Ngangom, Advocate, Appearing for the Counsel parties.

**ORDER**

1. T.P. (C) Nos.1350 and 1219 of 2023 are taken on Board.
2. Heard learned counsel for the parties.
3. Learned Single Judge of the High Court of Manipur at Imphal dismissed a group of petitions along with pending applications vide judgment dated 29.03.2023.
4. Aggrieved by the said judgment three intra court appeals were filed before the Division Bench. Vide order dated 12.04.2023, the Division Bench passed an order that these appeals would be listed before another Bench of which one of the Judges of the Division Bench was not a party.
5. The High Court of Manipur has a Bench strength of three Judges at present. The order of the Single Judge was by the present Acting Chief Justice, and one of the Members of the Division Bench having recused from hearing the appeal, the difficulty has arisen as the third Judge alone cannot hear the appeal. In these circumstances these three transfer petitions have been moved for the transfer of the three appeals to the Gauhati High Court for being heard by an appropriate Bench.
6. The facts, as narrated above, are not in dispute.
7. Shri David Ahongsangbam, learned counsel appears for Respondents Nos.1 to 3 in T.P.(C) No. 1133/2023, he also appears for the same/common respondents in other petitions. T.P.(C) No.1350/2023 is filed by the State of Manipur and Mr. Pukhrabam Ramesh Kumar, learned counsel appears for the State, learned counsel for the other petitioners are also present. Respondent No.6, although has been arrayed as proforma respondent in T.P.(C) No.1133/2023, is himself the petitioner in T.P.(C) No. 1219/2023 represented by Mr. Rajendra D. Anbhule, learned counsel.

8. Considering the fact situation and there being no other option for hearing of the appeals at the High Court of Manipur, we deem it appropriate to transfer the three appeals, as detailed below, from High Court of Manipur at Imphal to the Gauhati High Court at Guwahati for due adjudication :

i) Writ Appeal No.35 of 2023 titled as 'Ng. Subhachandra Singh v. N. Jasobanta Singh & Ors'.

ii) Writ Appeal No.41 of 2023 titled as 'State of Manipur and another v. N. Jasobanta Singh and 4 others'

iii) Writ Appeal No.38 of 2023 titled as 'Hijam Shantikumar Singh v. N. Jasobanta Singh & Others'.

9. The Registry of the Manipur High Court will transfer all the records to the Gauhati High Court at Guwahati, within a week from today. Upon receipt of the records, the Registrar, Gauhati High Court will place it before Hon'ble the Chief Justice of the High Court for appropriate orders for listing before an appropriate Bench at the earliest.

10. It would be open to the parties to apply for appropriate interim relief before the Division Bench of the Gauhati High Court, where the matter is assigned and such application, if filed, would be considered expeditiously.

11. We make it clear that we are not staying the proceedings before the learned Single Judge, if any pending, and the learned Single Judge will be free to proceed with those matters in accordance with law, till such time any restraint orders are passed by any superior forum.

12. The transfer petitions are, accordingly, allowed.

13. Pending application(s), if any, shall stand disposed of.

-----