

GAHC010027242021



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : WA/61/2021**

1. STATE OF SIKKIM AND 7 ORS.  
THROUGH THE CHIEF SECRETARY, TASHILING SECRETARIAT,  
GANGTOK, EAST SIKKIM.
- 2: HOME DEPARTMENT THROUGH THE SECRETARY  
GOVT. OF SIKKIM GANGTOK EAST SIKKIM.
- 3: DEPARTMENT OF PERSONNEL  
THROUGH THE SECRETARY GOVT. OF SIKKIM GANGTOK EAST SIKKIM.
- 4: LAND REVENUE AND DISASTER MANAGEMENT DEPARTMENT  
THROUGH THE SECRETARY GOVT. OF SIKKIM GANGTOK EAST SIKKIM.
- 5: THE DISTRICT COLLECTOR, EAST DISTRICT GANGTOK.
- 6: THE DISTRICT COLLECTOR, SOUTH DISTRICT NAMCHI.
- 7: THE DISTRICT COLLECTOR, WEST DISTRICT GYALSHING.
- 8: THE DISTRICT COLLECTOR, NORTH DISTRICT MANGAN

VERSUS

1. YOGEN GHATANI AND 20 ORS.  
S/O- AMRIT KUMAR, R/O- RHENOCK, EAST SIKKIM.
- 2: BIBEK TAMANG  
S/O- PEMBA TAMANG  
R/O- RHENOCK EAST SIKKIM.
- 3: ANUPAMA SUBBA  
D/O- ANTHONY SUBBA  
R/O- PAKYONG EAST SIKKIM
- 4: TAPAN RAI

S/O- BASANT RAI  
R/O- DIESEL POWER HOUSE ROAD GANGTOK EAST SIKKIM.

5:BHAWESH GAZMER  
S/O- PRAKASH SINGH GAZMER  
R/O- TADONG NEAR COLLEGE AREA GANGTOK EAST SIKKIM.

6:SUSHAN RAI  
S/O- LATE BHARAT RAI  
R/O- JORETHANG BAZAR SOUTH SIKKIM.

7:ENISHA CHETTRI  
D/O- BHAKTA CHETTRI  
R/O- TATHANGCHEN GANGTOK SIKKIM.

8:ABINASH CHETTRI  
S/O- BHANU BHAKTA CHETTRI  
R/O- TATHANGCHEN GANGTOK EAST SIKKIM.

9:BISWAS CHETTRI  
S/O- BHANU BHAKTA CHETTRI  
R/O- TATHANGCHEN GANGTOK EAST SIKKIM.

10:SAMIR RAI  
S/O- RAJ BAHADUR RAI  
R/O- LOWER SICHEY GANGTOK SIKKIM.

11:NORGAIN LEPCHA  
S/O- NAMGYAL LEPCHA  
R/O- DIESEL POWER HOUSE ROAD GANGTOK EAST SIKKIM.

12:TEJASWI RAHAPAL  
S/O- SANJAY SINGH RAHAPAL  
R/O- DIESEL POWER HOUSE ROAD GANGTOK SIKKIM.

13:MEENAKSHI GAZMER  
D/O- PRAKASH SINGH GAZMER  
R/O- NEAR SIKKIM GOVERNMENT COLLEGE  
TADONG GANGTOK EAST SIKKIM.

14:LALITA TAMANG  
D/O- LATE NAR BAHADUR TAMANG  
R/O- TATHANGCHEN GANGTOK EAST SIKKIM.

15:RUDRA TAMANG  
S/O- LATE NAR BAHADUR TAMANG  
R/O- TATHANGCHEN GANGTOK EAST SIKKIM.

16:YOGESH VERMA

S/O- LATE TEK CHAND VERMA  
R/O- NATIONAL HIGHWAY GANGTOK EAST SIKKIM

17:HEM KUMAR PRADHAN  
S/O- LATE SAN BAHADUR PRADHAN  
R/O- CHUJACHEN EAST SIKKIM.

18:MOHAN LALL RAI  
S/O- RAJ LALL RAI  
R/O- UPPER BURTUK GANGTOK EAST SIKKIM.

19:NAR BAHADUR GURUNG  
S/O- PADAM BAHADUR GURUNG  
R/O- DIESEL POWER HOSE ROAD GANGTOK EAST SIKKIM.

20:JOSEPH TAMANG  
S/O- LATE BIRDHOJ TAMANG  
R/O- DIESEL POWER HOUSE ROAD GANGTOK EAST SIKKIM.

21:NAMGYAL LEPCHA  
S/O- WANGDEN LEPCHA  
R/O- DIESEL POWER HOUSE ROAD GANGTOK EAST SIKKIM

**Advocate for the Petitioner** : GA, SIKKIM

**Advocate for the Respondent** : S JOSHI

**Linked Case : I.A.(Civil)/324/2021**

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GANGTOK EAST SIKKIM.

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S/O- WANGDEN LEPCHA  
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Advocate for : GA SIKKIM  
Advocate for : S JOSHI appearing for YOGEN GHATANI AND 20 ORS.

**- B E F O R E -**

**HON'BLE THE CHIEF JUSTICE MR. SUDHANSHU DHULIA  
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK**

**ORDER**

**Date : 22-02-2021  
(*Sudhanshu Dhulia, CJ*)**

This case has been transferred to this Court by order of the Hon'ble Apex Court dated 18.12.2020 passed in Suo Moto Transfer Petition (C) No.1/2020.

The matter relates to the State of Sikkim and the writ appeal is against the order of the learned Single Judge of the Sikkim High Court. The writ appellants, i.e. the State of Sikkim and other Departments of the Sikkim Government and its officials, are not being represented as of now.

Mr. R.B. Gohain, learned counsel is before this Court, who represents all the respondents.

Purely in the interest of justice, we direct the Registry to inform the appellants about the listing of this case so that they may be represented by a counsel on the next date of listing.

List after three weeks on **23<sup>rd</sup> March, 2021**.

Meanwhile, the Registry shall inform the appellants about the petition and the order passed therein as well as the next date, which is listed in this case.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**