

1.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

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

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

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.

For the Appellant(s)/
Applicant(s) : Mr. S.S. Dey, Senior Advocate assisted by
Mr. T.D. Bhutia, Government Advocate, Sikkim.
: Mr. R.B. Phookan, Advocate.
: Mr. D.J. Kapil, Advocate.

For the Respondent(s) : Mr. K.N. Choudhury, Senior Advocate assisted by Ms. S.
Chakraborty, Advocate.

– **BEFORE** –
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

10.05.2024

(Vijay Bishnoi, CJ)

List these matters before the Division Bench comprising Hon'ble the Chief Justice and Hon'ble Mr. Justice Suman Shyam on 30.05.2024.

JUDGE

CHIEF JUSTICE

Comparing Assistant