

GAHC010027242021



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

Case No. : WA/61/2021

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

Advocate for the Petitioner : GA, SIKKIM, MR S S DEY,MR. R B PHOOKAN,R SARMAH,MR
K J HAZARIKA

Advocate for the Respondent : S JOSHI, MR. K N CHOUDHURY,MS. S CHAKRAVARTY,MS. M
SHARMA,FOR CAVEATOR

BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

24.10.2024

(Vijay Bishnoi, CJ)

This Writ Appeal was heard in part on 29.08.2024 at length. During the course of arguments certain oral queries were raised by this Court and the State of Sikkim was supposed to answer those queries.

The learned counsel appearing for the appellants has submitted that for the purpose of satisfying the Court about those queries some old record is required to be looked into. However, the same is not available because there is every possibility that the same is either missing or destroyed in the devastating earth quake took place in the year 2011 in the State of Sikkim.

Be that as it may, if the record is not available with the State of Sikkim for the reason beyond their control, we deem it appropriate to hear the parties while taking into consideration whatever material available on record. Learned counsel for the appellants prays for some time so that the learned senior counsel appearing for the State of Sikkim may appear and argue the matter.

List on 26.11.2024.

JUDGE

CHIEF JUSTICE

Comparing Assistant