

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

Advocate for the Respondent : S JOSHI

BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 07.12.2021

Heard Mr. Sameer Abhayankar, learned counsel appearing for the appellants. Also heard Mr. K. N. Choudhury, learned Senior Counsel appearing for the respondents.

During the course of argument it transpired that the Rules of Business framed under Clause 3 of Article 166 of the Constitution of India needs to be seen.

Let a copy of the same be placed before this court.

In addition to the above, let an affidavit be filed by a Secretary-level officer of the Government of Sikkim brining on record whether the Office Memorandum dated 22.11.1995 was passed by the Governor of Sikkim in exercise of his powers under Article 371F(g) of the Constitution of India.

List the matter again on 15.12.2021.

JUDGE

CHIEF JUSTICE

Comparing Assistant