

HIGH COURT OF SIKKIM

Record of proceedings

W.P. (C) No.05 of 2026

MRS. SUJATA KARKI

..... PETITIONER

VERSUS

THE STATE OF SIKKIM & ORS.

..... RESPONDENTS

Date: 26.03.2026

CORAM :

HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, J.

For Petitioner : Mr. Simeon Subba, Advocate.

For Respondent : Ms. Pema Bhutia, Assistant Government Advocate.
Nos.1 to 2.

For Respondent : None.
No.3

For Respondent : Ms. Sangita Pradhan, Deputy Solicitor General of
No.4. India along with Ms. Natasha Pradhan, Ms. Sittal
Balmiki and Mr. Amit Kr. Sharma, Advocates.

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1. The petitioner has approached this Court due to damage of their dwelling house and their property due to the construction of the railway project by the respondent no.3 on behalf of respondent no.4. It is alleged that in the process of construction of the railway line and due to the tunneling works carried out by the respondent no.3 at Zitlang, under Central Pandam Block for the railway project, the home of the petitioner which is situated within 100 meter of the vicinity of the construction site had been severely damaged. Along with the annexures to writ petition are various photographs reflecting damage to the property. There is also an Order dated 30.07.2025 issued by the concerned Sub-Divisional Magistrate (SDM) under the District Administration with a copy marked to the late husband of the petitioner which says that the premises owned and occupied by the petitioner poses "threat to life" and the same needs to be addressed.

2. The learned Deputy Solicitor General of India representing respondent no.4-Indian Railways states that in the meanwhile the petitioner may approach the railway administration under the Railways Act, 1989 and she would urge them to take necessary steps.

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3. This Court deems it fit to direct the respondent no.4 to take the writ petition itself as the application and proceed with what is required to be done by them under the law.

4. In the meanwhile, the respondents shall file their counter affidavits within four weeks. Two weeks thereafter, to the petitioner to file rejoinder if any.

5. Since the communication dated 30.07.2025 of the SDM records clearly that the occupation of the premises poses threat to life which needs to be addressed, it is urged that the respondents shall take all necessary steps as they are duty bound so that no untoward incidents occur.

6. As this matter relates to life and property of the petitioner this Court is inclined to issue notice to the respondents. The learned Deputy Solicitor General of India appears on behalf of respondent no.4 and Ms. Pema Bhutia, learned Assistant Government Advocate appears on behalf of respondent nos. 1 and 2 on advance notice, accepts notice and waives formal notice thereof. Issue notice upon the respondent no.3 subject to filing of requisites within three days. The respondents who have entered appearance shall file their counter affidavits within three weeks. Two weeks thereafter, to the petitioner to file rejoinder, if any.

7. List on 13.05.2026 for further orders.

Judge