

HIGH COURT OF SIKKIM
Record of Proceedings through Video Conferencing

WP (C) No. 29/2020

CHANDRA BAHADUR KATWAL

PETITIONER (S)

VERSUS

STATE OF SIKKIM & ORS.

RESPONDENT (S)

For Petitioner : Mr. S.S. Hamal, Advocate (Legal Aid Counsel).

For Respondents : Dr. Doma T. Bhutia, Addl. Advocate General.
No. 1 to 4 Mr. S.K. Chettri, Government Advocate.

For Respondent No.5 : Mr. Sushant Subba, Advocate.

Date: 20/10/2021**CORAM :****HON'BLE MR. JUSTICE BISWANATH SOMADDER, CHIEF JUSTICE**

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JUDGMENT (ORAL)

This writ petition has been filed by one Chandra Bahadur Katwal, essentially praying for the following reliefs:

“(a) Admit this petition, call for the records of said land acquired by the respondent no.2 for extension of Gyalshing Bazaar in West Sikkim, issue Rule calling upon the state respondents to show cause as to why writ of / or in the nature of Mandamus/or any other appropriate writ, order or direction of like nature be not issued for payment of compensation to the petitioner for his said land acquired by the respondent no.2 for extension of Gyalshing Bazaar in West Sikkim and after perusal of the records, causes shown, if any, and upon hearing the parties, may please to make the Rule Absolute and/or pass any other/orders/directions as Your Lordships deem fit and proper for the ends of justice.”

An affidavit-in-opposition/counter affidavit has been filed on behalf of the State-respondents which reveals that the plot in question was handed over to the concerned department of the State Government as far as back on 24th August, 1979. This affidavit further reveals that the compensation was paid to

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one of the writ petitioners' ancestors, i.e. his grand-father (Shri Hasta Bahadur Chettri) way back in 1976/1978.

The writ petitioner has not disclosed these material facts before this Court while filing the instant writ petition in the year, 2020. Bona fides of the writ petitioner are clearly suspect. Ordinarily this writ petition ought to be dismissed with exemplary cost. However, since this Court is informed that a counsel from the State Legal Services Authority has been engaged to prosecute this matter on behalf of the writ petitioner, it refrains from imposing any cost but, nevertheless, issues a word of caution to the writ petitioner to desist from abusing the process of the writ Court, in future.

The writ petition is accordingly dismissed.

Dismissal of this writ petition, however, shall not cause any prejudice to the civil rights of the writ petitioner, if at all there be any.

(Biswanath Somadder)
Chief Justice