

WP (C) No. 37/2020

P.K. PRADHAN

PETITIONER (S)

VERSUS

STATE OF SIKKIM & ORS.

RESPONDENT (S)

For Petitioner	:	Mr. S.S. Hamal, Advocate. Ms. Sabina Chettri, Advocate. Mr. Pradeep Sharma, Advocate.
For Respondents No. 1 to 4	:	Mr. Sudesh Joshi, Addl. Advocate General. Mr. Thinlay Dorjee Bhutia, Govt. Advocate.
For Respondents No. 5 & 6	:	Mr. Jorgay Namka, Legal Aid Counsel.

Date: 03/12/2021

CORAM :

HON'BLE MR. JUSTICE BISWANATH SOMADDER, CHIEF JUSTICE

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JUDGMENT: (per the Hon'ble, the Chief Justice)

This writ petition was filed sometime in the year 2020. The petitioner has challenged an order dated 14th November, 2020, passed by the Secretary, Land Revenue and Disaster Management Department, Government of Sikkim, sitting as an Appellate Authority in respect of a notice issued by the Sub-Registrar, Gangtok dated 11th February, 2020.

For convenience, the impugned order is setout hereinbelow in its entirety:-

"An application dated 13th February 2020 has been filed before the undersigned by Smt. Ambika Pradhan and Smt. Anuka Pradhan, both residence of Sichey, East Sikkim requesting for stay on the Notice issued by the Sub-Registrar, Gangtok vide No. 802/DCE/2020 dated 11.02.2020 as the duo is preparing to file a Civil Suit in respect of the land in question before the Competent Court of Law.

The entire matter seems to be of Civil in nature and I am of the opinion that same can be best adjudicated by a competent Civil Court only.

Considering the above facts, and to avoid further complication in the matter and in the interest of natural justice, I hereby stay the Notice No. 802/DCE/2020 dated 11.02.2020 issued by the Sub-Registrar, Gangtok and status quo to be maintained over plot Nos. 1043/1334 till the final outcome of the competent Civil Court.

Copy of the order to be forwarded to Sub-Registrar, Gangtok, East Sikkim for compliance.”

A bare perusal of the impugned order as well as the pleadings reveal that the issue is essentially a civil dispute within the family of the petitioner on one hand and the private respondents on the other. It is brought to the notice of this Court that in the meanwhile a civil proceeding has already been initiated before the competent Civil Court, being the Court of the Civil Judge, Senior Division, East Sikkim at Gangtok.

Considering the facts and circumstances as stated above, this Court is of the view that a judicial interference under Article 226 of the Constitution of India is not required. However, purely in the interest of justice, this Court requests the learned Civil Court, where the matter is pending, to hear out and dispose of the same as expeditiously as possible, preferably within a period of twelve months from this date without granting unnecessary adjournments to the parties.

Since no affidavits have been called for, allegations made in the writ petition are deemed to be not admitted by the respondents.

The writ petition stands disposed of accordingly.

(Biswanath Somadder)
Chief Justice