

HIGH COURT OF SIKKIM
Record of Proceedings through Video Conferencing

WP(C) No. 06 of 2020

DEK BAHADUR KATWAL

PETITIONER

VERSUS

STATE OF SIKKIM & OTHERS

RESPONDENT (S)

Date: 26/05/2020

CORAM :

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

For Petitioner : Mr. Balender Shekhar, Advocate, present through video conference (vc) facility from New Delhi. Mr. Yam Kumar Subba, Advocate, present through vc facility at the High Court.

For Respondent(s) : Dr. Doma T. Bhutia, Addl. Advocate
For R-1 and R-2 General with Mr. Hissay Gyaltsen, Asst. Government Advocate, present through vc facility at the High Court.

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The writ petition was filed by the petitioner who claimed to be stranded in New Delhi seeking various directions upon the State Government to secure his return to Sikkim amidst the lockdown due to Covid-19. On 14.05.2020, limited notice was issued on the aspect of the return of the petitioner. The State Government filed a detailed counter-affidavit on 21.05.2020. It was mentioned in the counter-affidavit that a special train had been organized from North India on 22.05.2020 to evacuate the stranded Sikkimese from the region including Delhi. On 22.05.2020 itself, this Court directed the State Government to furnish details of the contact persons to the petitioner's counsel to enable him to communicate the same to the petitioner to go

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through the process of his examination, collection of ticket and return by the special train scheduled to leave at 9:00 p.m. that day itself.

An additional affidavit has also been filed by the State Government dated 23.05.2020. In the additional affidavit, it is asserted that the State Government had immediately given the details of contact persons to the learned counsel for the petitioner; had also previously communicated to the petitioner informing him about the schedule departure of the special train and the requirements which the petitioner was to fulfill in order to return to Sikkim. It is asserted that inspite of the receipt of the SMS, the petitioner did not respond and in fact, did not even take the call made by the concerned Nodal Officer which reflects that he had no desire to return by the mode organized by the State. Details of such communications have also been annexed to the additional affidavit.

The petitioner has filed no response. The learned counsel for the petitioner instead desires to withdraw the writ petition. The State Government has no objection to the withdrawal. However, the learned Additional Advocate General vehemently submits that it is quite evident that the writ petition filed by the petitioner was devoid of any merit and due to the frivolous nature of the writ petition the State was burdened with unnecessary wastage of the time of the Officers who are otherwise occupied to meet the present challenges. Accordingly, she sought cost to be imposed upon the petitioner.

This Court has examined the writ petition, as well as the counter-affidavit and the additional affidavit. In view of the fact that the writ petitioner desires to withdraw the writ petition, no observation

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on the merits is being made and consequently, no order as to cost is being imposed, leaving it to the conscience of the petitioner to approach the court only for legitimate grievance, if at all, in the future.

The writ petition is dismissed as withdrawn.

Judge
26.05.2020

Index : ~~Yes~~ / No
Internet : Yes / ~~No~~

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