

Review P. (C) No. 01 of 2020

D.B. THAPA

...PETITIONER

VERSUS

URBAN DEVELOPMENT AND HOUSING DEPARTMENT

...RESPONDENT

Date: 11.12.2020

CORAM:

HON'BLE MR. JUSTICE ARUP KUMAR GOSWAMI, CHIEF JUSTICE

HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE

...

(ARUP KUMAR GOSWAMI, CJ)

Heard Mr. Yam Kumar Subba, learned Counsel appearing for the review petitioner and Dr. Doma T. Bhutia, learned Additional Advocate General, Sikkim, appearing for the respondent.

Mr. Subba prays for taking up the matter after the winter vacation.

This Review Petition is filed under Rule 44 and 45 of the Sikkim High Court (Practice and Procedure) Rules, 2011 read with Section 114 and Order XLVII Rule 1 of the Code of Civil Procedure, 1908, for short, the CPC, against the judgment and order dated 26.11.2020 passed in Writ Appeal No. 04 of 2020. It is to be noted that the writ petition was dismissed as against which the writ appeal was preferred.

Dr. Doma T Bhutia submits that the petitioner himself has demolished the unauthorized construction. This submission is controverted by Mr. Subba.

While granting the prayer for adjournment as prayed for by the review petitioner, we make it clear that pendency of the review petition shall not be a bar for the authorities to take further action in the matter in accordance with law.

Registry is directed to list the case on 17.03.2021.

Judge

Chief Justice

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