

**IN THE HIGH COURT OF SIKKIM
CIVIL EXTRAORDINARY JURISDICTION**

W. P. (C) No. 19 OF 2015

1. Padam Bahadur Tamang,
S/o Chandra Bir Tamang,
R/o Phamphok Busty,
P. O. Namthang, P. S. Namchi,
South Sikkim.
2. Purna Kumar Pradhan,
S/o Late Bhim Bahadur Pradhan,
R/o Namthang,
P. O. Namthang, P. S. Namchi,
South Sikkim. ----- Petitioners.

-VERSUS-

1. The Secretary,
Department of Land Revenue,
Government of Sikkim,
Gangtok.
2. The Secretary,
Department of Forest Environment
and Wild Life Protection,
Government of Sikkim,
Gangtok.
3. The Secretary,
Department of Power,
Government of Sikkim,
Gangtok,
4. The Chairman,
Sikkim Power Development Corporation,,
Government of Sikkim,
Gangtok
5. The General Manager,
M/S Lanco Energy Private Limited,
Teesta State – IV Hydel Power
Project 500 M.W. Majhitar,
East Sikkim. ----- Respondents.

PETITIONER
ADVOCATE (S)
FOR ----- Mr. Nripendra Nath Das and Mr. Ashish Das.

RESPONDENT
ADVOCATE (S)
FOR ----- Mr. J.B. Pradhan, Addl. Advocate General,
Mr. Karma Thinlay, Sr. Govt. Advocate, Mr. S. K.
Chettri, Asst. Govt. Advocate, Ms. Pollin Rai,
Asst. Govt. Advocate.

Case No.....

Serial No.	Date	Order (s) with Signature (s)
1	2	3
04.	27.07.2015	WP(C) No.19/2015 Padam Bahadur Tamang & Anr. vs Secretary, Land Revenue Department & Ors. <u>BEFORE</u> HON'BLE MR. JUSTICE S. P. WANGDI, JUDGE Present: Mr. Niripendra Nath Das, Advocate with Mr. Ashish Das and Mr. Ranjit Prasad Advocate for the Petitioners. Mr. Karma Thinlay Namgyal, Senior Government Advocate with Mrs. Pollin Rai, Assistant Government Advocate, Ms. Sabina Chettri, Legal Retainer (Power Department) and Ms. Rita Sharma, Legal Retainer (Forest Department) for the State-Respondents No. 1, 2 and 3. Mr. Thinlay Dorjee Bhutia, Advocate for Respondent No.4 Mr. Jorgay Namka, Advocate with Ms. Chenga Doma Bhutia and Ms. Panila Theengh, Advocates for the Respondent No.5 ----- By filing CM Appl No. 191 of 2015, Mr. Karma Thinlay Namgyal, Learned Senior Government Advocate, prays for further time to consider as to whether counter-affidavits will be necessary to be filed on behalf of the Respondent No. 2 and 3. It is stated that although a meeting was held after the land in question was surveyed jointly by the Officers of the Forest Department and District Collectorate, South Sikkim, further deliberation was felt necessary which could not be held due to paucity of time. Considered and allowed.

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		14 (Fourteen) days' time is accordingly granted as prayed for. However, the Respondents No. 1, 2 and 3 shall ensure that within the next date the entire deliberations should be completed so that this matter can be finally disposed of. In view of the contents of letter dated 30.04.2015 of the District Collectorate, South Sikkim, Namchi, addressed to the Respondent No.1, nothing much is left to be decided in this case as the Respondents have undoubtedly and without ambiguity conceded to the case of the Petitioners. This shall be a crucial factor that ought to be considered by the Respondents while arriving at a decision in the ensuing meeting. It is directed that the meeting shall be held within a period of one week and not later than that and necessary reports be submitted by the next date. List on 11.08.2015 for orders.  Judge 27.07.2015

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Index : Yes/No
Internet: Yes/No

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CIVIL EXTRA ORDINARY JURISDICTION**

C. M. Appl. No. 191 OF 2015
(In W.P.(C) No. 19 of 2014)

1. Padam Bahadur Tamang,
S/o Chandra Bir Tamang,
R/o Phamphok Busty,
P. O. Namthang, P. S. Namchi,
South Sikkim.
2. Purna Kumar Pradhan,
S/o Late Bhim Bahadur Pradhan,
R/o Namthang,
P. O. Namthang, P. S. Namchi,
South Sikkim. ----- Petitioners.

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Department of Forest Environment and
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Government of Sikkim, Gangtok.
3. The Secretary,
Department of Power,
Government of Sikkim, Gangtok.
4. The Chairman,
Sikkim Power Development Corporation,
Government of Sikkim, Gangtok.
5. The General Manager,
M/S Lanco Energy Private Limited,
Teesta State - IV Hydel Power
Project 500 M. W. Majhitar,
East Sikkim. ----- Applicants/Respondents.

PETITIONER
ADVOCATE (S)

FOR ----- Mr. Nripendra Nath Das, Mr. Ashish Das and
Mr. Ranjit Prasad.

RESPONDENT
ADVOCATE (S)

FOR ----- Mr. J. B. Pradhan, Addl. Advocate General,
Mr. Karma Thinlay, Sr. Govt. Advocate, Mr. S. K.
Chettri and Ms. Pollin Rai, Asstt. Govt. Advocates.
Ms. Sabina Chettri, Legal Aid Counsel, Mr. Thinlay
Dorjee Bhutia, Mr. Jorgay Namka, Ms. Chenga D.
Bhutia, Ms. Pema Bhutia.

Case No.

Serial No.	Date	Order (s) with Signature (s)
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		CM Appl No. 191/2015 in WP(C) No.19/2015 Padam Bahadur Tamang & Anr. vs Secretary, Land Revenue Department & Ors. <u>BEFORE</u> HON'BLE MR. JUSTICE S. P. WANGDI, JUDGE 01. 27.07.2015 Present: Mr. Niripendra Nath Das, Advocate with Mr. Ashish Das and Mr. Ranjit Prasad Advocate for the Petitioners. Mr. Karma Thinlay Namgyal, Senior Government Advocate with Mrs. Pollin Rai, Assistant Government Advocate, Ms. Sabina Chettri, Legal Retainer (Power Department) and Ms. Rita Sharma (Legal Retainer) Forest Department, for the State-Respondents No. 1, 2 and 3. Mr. Thinlay Dorjee Bhutia, Advocate for Respondent No.4 Mr. Jorgay Namka, Advocate with Ms. Chenga Doma Bhutia and Ms. Panila Theengh, Advocates for the Respondent No.5 ----- In view of the order passed today in WP(C) No.19/2015, this CM Appl stands disposed of.  Judge 27/07/2015
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