

High Court of Sikkim

Record of proceedings

WP(C) No.20 of 2016

Y. T. Lepcha

Petitioner (s)

VERSUS

State of Sikkim and Others

Respondent (s)

Date : 02-07-2018

CORAM :

**THE HON'BLE ACTING CHIEF JUSTICE MRS. JUSTICE MEENAKSHI MADAN RAI
THE HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE**

For Petitioner (s)

Mr. B. Sharma, Senior Advocate.
Mr. B. N. Sharma, Advocate.

For Respondent (s)

R-1, R-2, R-4 & R-5

Mr. Karma Thinlay, Senior Government Advocate.
Mr. S. K. Chettri, Assistant Government Advocate.
Mrs. Pollin Rai, Assistant Government Advocate.

R-3

Mr. Sudhir Prasad, Advocate.

R-6

Mr. A. Moulik, Senior, Advocate.
Mrs. K. D. Bhutia, Advocate.
Mr. Ranjit Prasad, Advocate.

ORDER

Rai, J.

On the last date, this Court had observed, *inter alia*, that *prima facie* it appears that the Order dated 24-09-2015 passed by the Division Bench of this Court in WP(C) No.42 of 2014 : Y. T. Lepcha vs. State of Sikkim and Others had not been complied with in its letter and spirit inasmuch as there was a direction to the District Collector to enter into the dispute and decide on the question raised in the Writ Petition. Contrary thereto, the District Collector had instead constituted a Committee to look into the matter.

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It is today clarified by Learned Senior Government Advocate that the District Collector after hearing the arguments placed by both the parties was of the opinion that it was also required to be assessed whether any further damages had been caused to the building of the Petitioner subsequent to the damages caused due to the works of the Respondent No.6-Company.

It was in pursuance of this opinion that the Committee was constituted comprising of the six officials of various Department of the Government of Sikkim, as enumerated in the order.

Having considered the clarification, we are of the opinion that no willful disobedience appears in the conduct of the District Collector.

Let the matter be heard finally on 05-09-2018, as found convenient by the parties.

Judge
02-07-2018

Acting Chief Justice
02-07-2018

Index : ~~Yes~~/No

Internet : Yes/~~No~~