

HIGH COURT OF SIKKIM

Record of Proceedings

W.P. (C) No. 23/2018

K. N. KHATIWARA & ANR.

Petitioner (s)

VERSUS

STATE OF SIKKIM & ORS.

Respondent (s)

Date: 08/06/2018

CORAM:

HON'BLE THE CHIEF JUSTICE

For Petitioner (s) : Dr. Doma T. Bhutia, Mr. Raghavendra
Kumar and Ms. Preeti Chettri, Advocates.

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The Petitioners, stated to be the owners of the private lands consisting of 5 (five) plots of land, bearing plot No. 1208 admeasuring 0.1260 Ha., plot No. 1218 admeasuring 0.1480 ha., plot No. 1219 admeasuring 0.6380 Ha., plot No. 1220 admeasuring 0.0400 Ha. and plot No. 1230 admeasuring 0.1000 Ha., situated at Samsing Village, Central Pendam, East Sikkim, are aggrieved by the action of the Fifth Respondent, who is dumping muck produced from its power generating unit of M/s. Madhya Bharat Power Corporation Limited, located in the nearby area on the property owned by the Petitioners.

It is alleged by the Petitioners that the paddy crops growing there are destroyed on account of illegal activity conducted by the Fifth Respondent. It is further stated by the learned Counsel appearing for the Petitioners that the Fifth Respondent is in clear violation of the terms of the Environment Clearance dated 04.04.20107, wherein under clause (x) of Part A: Specific Conditions, it is clearly provided that consolidation and compilation of the muck should be carried out in the muck dumping sites and the dump sites should be above high flood level.

Issue notice.

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Mr. Thinlay Dorjee Bhutia, learned Government Advocate, accepts notice on behalf of Respondents No.1, 2, 3 and 4 and is granted three weeks' time to take immediate steps and to file counter affidavit.

Issue notice to the Fifth Respondent.

Call on 06.07.2018.

Chief Justice

08.06.2018

pm

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