

HIGH COURT OF SIKKIM

Record of proceedings

WP (C) No.23/2018

K.N.KHATIWARA & ANR.

.... PETITIONER

VERSUS

STATE OF SIKKIM & ORS.

.... RESPONDENTS

Date:13.09.2018

CORAM

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

For Petitioner : Dr. Doma T. Bhutia and Ms. Preeti Chhetri, Advocates.

For Respondent : Mr. Karma Thinlay, Senior Government Advocate with
Nos.1, 2, 3 & 4. Mr. Thinlay Dorjee Bhutia, Government Advocate, Mr.
S. K. Chettri and Ms. Pollin Rai, Assistant Government
Advocates along with Ms. Roshni Chhetri, Legal
Retainer L.R. & D.M.D. and Mr. Jigdal G. Chankapa,
Advocate for State Pollution Control Board.

For Respondent : None.
No.5.

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The Respondent No.5 was issued notice by this Court on 08.06.2018. On 06.07.2018 this Court recorded that the Respondent No.5 was served the notice so issued. Since none appeared for the Respondent No.5 even on 13.08.2018 the learned Counsel for the Petitioner would desire to serve the Respondent No.5 by way of *dasti* which was permitted by this Court. An affidavit of service dated 24.08.2018 has been filed by the Petitioner in which it has been stated that the Petitioner had gone twice on 18.08.018 and 20.08.2018 to the office of the Respondent No.5 which is now located at Kumrek at Rangpo, but Respondent No.5 refused to accept the said notice. It is also stated in the affidavit that the Director of

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Respondent No.5, Mr. M. K. Som has strictly instructed the staffs not to received notice of this Court in the instant case. It is further stated that the Petitioner No.2 was accompanied by an advocate of this Court to serve notice through *dasti* which notice was read out to Mr. M.K. Som, the Director of Respondent No.5, but he informed the Petitioner No.2 and the Advocate to serve the notice through police as he would not accept it otherwise. It is quite evident that the Respondent No.5 does not desire to contest this Writ Petition.

Dr. Doma T. Bhutia, learned Counsel for the Petitioner seeks time to file rejoinder to the counter-affidavit filed by the Respondent No.3 and 4. Let rejoinder be filed within three weeks. A copy of this order be sent to Respondent No.5 through speed post as well as through the process server of the East District, Civil Court.

List on 11.10.2018.

Judge
13.09.2018

tsh/ Index: yes/No
Internet: yes/No