

WP(C) No. 23/2018

K.N. KHATIWARA AND ANR.

PETITIONER (S)

VERSUS

STATE OF SIKKIM AND ORS.

RESPONDENT (S)

For Petitioners	:	Mr. Zangpo Sherpa, Advocate
For Respondent Nos. 1 to 4	:	Mr. Sudesh Joshi, Addl. Advocate General. Mr. Thinlay Dorjee Bhutia, Government Advocate.
For Respondent No.5	:	Mr. A. Moulik, Senior Advocate with Ms. K. D. Bhutia, Advocate Mr. Ranjit Prasad, Advocate

Date: 20/07/2021

CORAM :

HON'BLE MR. JUSTICE JITENDRA KUMAR MAHESHWARI, CJ.

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During the course of hearing it transpires that the petitioners have not filed any document by which it can be accepted that they are the owner of the land in question to which direction for acquisition has been sought for.

On the other hand, learned Senior Counsel representing respondent no. 5 contends that in terms of Lease Agreement executed by the petitioners in favour of respondent no. 5, they are permitted to raise the construction. Certain terms of Lease Agreement has been referred. On perusal thereto, the construction work of Adit-III is permissible in terms of the said Lease Agreement.

Documents of Adit-III are not on record.

Counsel representing the petitioners as well as the respondent no. 5 prays for time.

In the interest of justice two weeks' time is allowed to file the documents by way of rejoinder/additional affidavit.

List for hearing on 19.08.2021.

If the documents are not filed, the case may be heard without those documents on the next date.

Chief Justice