

HIGH COURT OF SIKKIM
Record of Proceedings

WP(C) No.27 of 2020

MOHAN SINGH RAI & ORS.

PETITIONERS

VERSUS

STATE OF SIKKIM & ORS.

RESPONDENTS

Date: 18.09.2020

CORAM:

THE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE

Petitioners

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

For Respondents
R-1, R-2 & R-3

Mr. Sudesh Joshi, Additional
Advocate General.
Mr. Hissey Gyaltsen, Assistant
Government Advocate.

ORDER

The Petitioners had filed I.A. No.1 of 2020 on 15.06.2020 before this Court. The application prays for the Reliefs as extracted herein below;

“(i) pass an order restraining the respondent nos. 1 and 2, their agents, subordinates etc from giving any effect or further effect to/of the license issued to the persons in respect of item nos. 39 to 43 of the NIT dated 24.02.20 (*sic*) (Annexure P1) until final disposal of the writ petition.

(ii) pass an order restraining the respondent nos.8 to 11/persons to whom license has been issued/about to be issued from giving and (*sic*) effect/further effect to the license(s) and not to proceed with the execution of the work of the collection of sand, stones etc from

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the river beds mentioned at item nos. 39, 40, 41 and 43 until final disposal of the writ petition.”

The State Respondents No.1, 2 and 3 have not filed their response in this matter.

Learned Additional Advocate General seeks some time to file a response in view of the fact that the Office of the Advocate General had been contained on account of the pandemic and the Counsel are still in isolation. That, they will be able to retrieve the files from the Office of the Advocate General only after Monday i.e. 21.09.2020.

Considered submissions.

Learned Senior Counsel submits that the action of the Respondents No.2, 3, 4 and 5 are arbitrary and illegal causing irreparable prejudice to the Petitioners however the State Respondents have shown no inclination to consider the urgency of the matter hence the prayers in the I.A. be considered and allowed.

After considering the facts and circumstances placed before me today pertaining to the IA *supra* by learned senior Counsel for the Petitioners and further considering that the State Respondents did not consider it worth their while to respond to the petition from the month of June, 2020 till date despite the urgency made out and the reliefs sought by the Petitioners, I deem it appropriate to order the Respondents No.1 and 2 to restrain themselves with immediate effect from giving any further effect to the Licences issued to the persons in respect of Items No.39 to 43 of the Notice Inviting Tender dated 24.05.2020 and the Respondents No.8 to 11 from taking any further steps with regard to the Licences if issued to them, till the next date fixed.

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Let response to I.A. No.1 of 2020 and Counter Affidavits be filed before the next date, on which date the hearing on the I.A. shall be taken up.

We may await delivery of Notices to Respondents No.4 to 11 as the Office Note reflects neither AD Cards nor unserved Notices have been received by the Registry, however as per the Tracking Consignment, Items have been dispatched to Respondents No.4, 5, 6, 8, 9, 10 and 11 and "Item Delivery Confirmed" with regard to Respondent No.7.

List on 30.09.2020.

Judge