

HIGH COURT OF SIKKIM

Record of Proceedings

W.P.(C) No.40 of 2018

SEM SODEUN WANGDI

PETITIONER

VERSUS

MEENA LAMA & ORS.

RESPONDENTS

Date: 26.07.2021

CORAM:

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

For Petitioner

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

For Respondents
R-1 to R-13

Mr. N. Rai, Senior Advocate.

R-14 to R-18

Mr. Thinlay Dorjee Bhutia,
Government Advocate.

O R D E R

The matter was to be taken up for final hearing today, however, Learned Government Advocate for State-Respondents No.14 to 18 submits that while preparing for the hearing, it came to light that in Page No.182, Counter-Affidavit of State-Respondent No.14-The Department of Forest, Environment and Wildlife, the Department has asserted that the area under dispute comes under the Reserve forest. Contrarily, in Page No.298 the Counter-Affidavit of State-Respondent No.16, Land Revenue Department, it has been stated that the property in dispute was leased out to the Petitioner in the year 2011. That, in view of this anomaly, the State-Respondent No.16 has conducted a re-survey and concluded that it was leased out to the Petitioner. However, this has to be verified by the State-Respondent No.14 to whom necessary documents have been forwarded for verification. Learned Government Advocate seeks four weeks time to clarify the matter and place it before this Court.

Not objected to by Learned Senior Counsel for the Petitioner and Respondents No.1 to 13.

In view of the above submissions, four weeks' time is allowed. However, Learned Government Advocate shall note that

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any clarifications that are to be made in writing shall be submitted in the interim.

A stay had been granted by this Court in the Order dated 14.09.2018, vide which the proceedings in Title Suit No.03 of 2015 pending before the Court of the Learned District Judge-Special Division I at Sikkim was stayed. Learned Counsel for all parties submit today that the stay may be extended in view of the above submissions.

Let the stay granted vide Order dated 14.09.2018 continue till further orders.

List on 27.08.2021.

Judge
26.07.2021