

HIGH COURT OF SIKKIM

Record of proceedings

WP (C) No.41/2018

DINESH PRASAD

.... PETITIONER

VERSUS

THE STATE OF SIKKIM & ORS.

.... RESPONDENTS

Date:13.09.2018

CORAM

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

For Petitioner : Ms. Gita Bista and Ms. Sashi Rai, Advocates.

For Respondent : Mr. Karma Thinlay, Senior Government Advocate with
Nos. 1, 2 & 3. Mr. Thinlay Dorjee Bhutia, Government Advocate, Mr.
S. K. Chettri and Ms. Pollin Rai, Assistant Government
Advocates.

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Issue notice, returnable within two weeks subject to filing of requisites within three days. Mr. Thinlay Dorjee Bhutia, learned Counsel for the Respondent accepts notice on behalf of Respondent Nos. 1, 2 and 3. The Petitioner is permitted to serve the Respondent No.4 by way of *dasti* besides the notice from the Registry. The State/Respondents may file counter-affidavit before the next date. Since this matter pertains to right to livelihood of the Petitioner it is hoped that State authorities do not delay the proceeding beyond the time permitted.

List on 03.10.2018.

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I.A. No.1/2018

This is an application for interim protection filed by the Petitioner seeking stay of the impugned order passed by the Respondent No.2 dated 11.06.2018 and the Petitioner be allowed to continue his business without any interference until the final disposal of the instant matter.

Heard, the learned Counsel for the Petitioner and the State/Respondents.

In the facts of the case placed before this Court this Court is of the view that this matter requires urgent examination in view of the fact that trade license has been issued to the Petitioner which has been renewed from the year 1994 and is valid till 31.03.2019. However, the State Respondents have sealed the business premises of the Petitioner in view of the notice issued dated 11.06.2018. This Court is also of the view that the State Respondents must be restrained from removing any items which are present within the premises from where the Petitioner was operating his business until it was sealed during the pendency of the present proceedings. Since it is stated that the State Respondent has already sealed the premises pursuant to the notice dated 11.06.2018 and the final relief sought for by the Writ Petition is the de-sealing of the premises it may not be proper to grant the final relief at this stage. The Petitioner, if he so desires, is permitted to take necessary permission from the State Respondents and remove the items some of which may be perishable from the business premises to ensure that the sealing of the premises

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does not destroy the Petitioner’s property. Mr. Karma Thinlay, learned Senior Government Advocate fairly submits that in view of the valid Trade License issued to the Petitioner may operate his business from “Pakyong Bazaar” for which the Trade License has been issued. It is ordered accordingly.

Judge
13.09.2018

tsh/ **Index: ~~yes~~/No**
 Internet: yes/~~No~~