

Mrs. Tulshi Maya Thapa (Chettri)
 vs.
 State of Sikkim and Others

Case No. WP(C) No.46 of 2015

Serial No.	Date	Order (s) with Signature (s)
1	2	3
03.	07-09-2015	<p style="text-align: center;">BEFORE HON'BLE MR. JUSTICE S. P. WANGDI, JUDGE</p> <p>Present : Mr. A. K. Upadhayaya, Senior Advocate with Ms. Binita Chettri, Advocate for the Petitioner.</p> <p>Mrs. Tulshi Maya Thapa (Chettri), Petitioner and Mr. Prakash Thapa, son of the Petitioner in person.</p> <p>Mr. Karma Thinlay Namgyal, Senior Government Advocate with Mr. S. K. Chettri Assistant Government Advocate for the State-Respondents No.1, 4 and 5.</p> <p>Mr. L. N. Pokhrel, Revenue Officer and Mr. K. L. Bhutia, Revenue Inspector, Office of the District Collectorate, East Sikkim, in person.</p> <p>Mr. Zangpo Sherpa, Advocate with Mr. Deven Sharma Luitel and Mr. Jushan Lepcha, Advocates for the Respondents No. 2 and 3.</p> <p>Mr. Bhushan Chettri (Bhandari), Respondent No.2 and Mrs. Binita Chettri, Respondent No.3 in person.</p> <p style="text-align: center;">-----</p> <p>This Petitioner in the present Writ Petition is the mother and the Respondent Nos. 2 and 3 are the son-in-law and his wife, the youngest daughter of the Petitioner, respectively.</p> <p>The Writ Petition has arisen out of a dispute in respect of payment of compensation pertaining to plots No.248, 249 and 250 under Sirwani Block, East Sikkim, acquired by the Respondents No. 1, 4 and 5.</p> <p>Although in all 5 (five) plots of land bearing Nos.247, 276(p), 249(p), 250(p), and 248(p), under Sirwani Block, East Sikkim, were acquired, we are at present concerned only with plot nos.248, 249, 250 for which compensation was assessed at ₹ 22,29,060/- (Rupees twenty two lakhs twenty nine thousand and sixty) which had been received by the Respondent No.3. It is the case of the Petitioner that the</p>

ZANGPO SHERPA
 ADVOCATE FOR P2 & P3
 MRS. BINITA CHETTRI
 RESPONDENT NO.3
 MR. BHUSHAN CHETTRI
 RESPONDENT NO.2
 BINITA CHETTRI
 ADVOCATE FOR PETITIONER
 SONS OF PETITIONER
 PETITIONER

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		<p>Respondent No.3 had no right to be paid the compensation for those lands as those were actually the legitimate properties of the Petitioner being its recorded owner.</p> <p>We need not go into the merits of the case, but suffice it to state that although except for Respondents No.1, 4 and 5, the other Respondents being Respondents No.2 and 3, are yet to file their counter-affidavits, today, Mr. Zangpo Sherpa, Learned Counsel representing them prays for time to do so.</p> <p>However, during the course of the deliberations, the parties having expressed their desire to settle the matter amicably out of Court, time was granted to them to explore the terms and conditions of such settlement.</p> <p>After the Court re-convened for post-lunch session, it was submitted by the Learned Counsel for the parties that the dispute had been resolved.</p> <p>The Petitioner along with her son, Mr. Prakash Thapa and the Respondents No.2 and 3 who were present in person in Court when asked as to whether they had agreed to settle as conveyed by the Learned Counsel, they answered in the affirmative.</p> <p>As per the parties, they have agreed to settle the matter on the following terms and conditions:</p> <p>(i) The Respondents No.2 and 3 shall pay to the Petitioner a sum of ₹ 5,00,000/- (Rupees five lakhs) within a period of 3 (three) months;</p> <p>(ii) As the Respondents No.2 and 3 intend to arrange for the above sum by sale of the building constructed on a portion of plot no.262 in Sirwani Block, East Sikkim, measuring 50' x 40', gifted to the Respondent No.3 by the Petitioner by a registered Deed of Gift, the Petitioner shall not object to such sale; and</p>

ZANGPO SHERPA
 ADVOCATE FOR R2-63

MRS. BINIPA CHETTRI
 RESPONDENT NO.3

MR. BISHWAN CHETTRI
 RESPONDENT NO.2

BINIPA CHETTRI
 ADVOCATE FOR PETITIONER

MR. PRAKASH THAPA
 SON OF PETITIONER

RTI OF
 MRS. TULSHI MAYA THAPA
 PETITIONER

