

HIGH COURT OF SIKKIM
Record of Proceedings

W.P.(C) No. 47 of 2020

TENZING SAMCHOK BHUTIA

PETITIONER

VERSUS

HEALTH CARE & FAMILY
WELFARE DEPARTMENT, GOVT. OF
SIKKIM & ORS.

RESPONDENTS

Date: 07.01.2021

CORAM:

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

For Petitioner

Mr. Kazi Sangay Thupden,
Advocate.
Mr. Sudhir Prasad, Advocate.

For Respondents

Mr. Sudesh Joshi, Additional
Advocate General.
Mr. Sujan Sunwar, Assistant
Government Advocate.

O R D E R

Heard Learned Counsel for the Petitioner.

The Petitioner is aggrieved by the State action of having constructed a Primary Health Centre allegedly on a portion of his property, measuring an area of 11,302 square feet/0.1050 hectares, without following the due process of law as established by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. It is contended that he belongs to the Scheduled Tribe and his Fundamental Rights as enshrined in the Constitution, have been infringed.

Issue Notice to the State-Respondents.

Mr. Sudesh Joshi, Learned Additional Advocate General accepts Notice on behalf of the State-Respondents and waives formal Notice.

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Let Counter-Affidavit be filed four weeks hence, four weeks thereafter for Rejoinder, if any.

List on 16.03.2021.

Judge
07.01.2021