

V

IN THE HIGH COURT OF SIKKIM
CIVIL EXTRA ORDINARY JURISDICTION

W. P. (C) No.

56

OF

2016

Shri Chungda Lepcha
S/o Late Dharma Lepcha,
R/o Bakthanhg, Lower Burtuk,
Gangtok, East Sikkim.

----- Petitioner.

-VERSUS-

1. State of Sikkim,
Through the Secretary,
Forest Environment and
Wild Life Management Department,
Government of Sikkim.

2. Department of Land Revenue and
Disaster management,
Through the Secretary,
Government of Sikkim,
Gangtok, Sikkim - 737 101.

----- Respondents.

PETITIONER :

ADVOCATE (S)

FOR ----- Mr. Zangpo Sherpa, Mr. Dewen Sharma Luitel, Mr. Jushan
Lepcha, Ms. Doma Lepcha and Ms. Mon Maya Subba.

RESPONDENT

ADVOCATE (S)

FOR ----- Mr. J. B. Pradhan, Addl. Advocate General, Mr. Karma
Thinlay, Sr. Govt. Advocate, Mr. S. K. Chettri and Ms. Pollin
Rai, Asstt. Govt. Advocates.

WP(C) No. 56 of 2016

Chungda Lepcha vs. State of Sikkim & Ors.

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

1. 18.11.2016 Present: Mr. Zangpo Sherpa, Advocate for the Petitioner.

Mr. J.B. Pradhan, Addl. Advocate General with Mr. S.K. Chettri and Mrs. Pollin Rai, Asst. Govt. Advocates for the State-Respondents, on advance copy and waives formal notice.

It is submitted by learned Counsel for the Petitioner that a portion of his land has been recorded as "Govt. Khas Goucharan". That, a joint inspection was conducted by the Officials of the Respondents and it was admitted that parts of 10/P, 14/P.29/P with an area of 0.2800 hectare, 0.5608 hectare and 0.0800 hectare respectively, are recorded as Govt. Khas Goucharan and Plot No. 28 with an area of 0.4280 (Total=1.3488 hectare, i.e., 3.33 acres), is recorded as "Sarkar Slip area" as per the land records of 1979-80. That, Annexure P-10 indicates that previously the same area was recorded as private holding bearing Plot Nos. 147, 148, 151, 152 and 150.

That, in view of Annexure P-10, a Representation being Annexure P-13, has been filed before the District Collector

(East) at Gangtok on 9.11.2016, which however, has not been disposed of till date.

It is prayed that the District Collector, East Sikkim at Gangtok, be directed to dispose of this Representation after hearing all parties concerned within three months from today.

Learned Additional Advocate General has no objection to the prayers put forth in view of the joint inspection Report.

The District Collector shall dispose of the Representation in terms of the above prayer of the Petitioner.

Writ Petition stands disposed of.

Judge
18.11.2016

Index : Yes / No
Internet : Yes / No
ds/bp