

WP (PIL) No. 01/2015
In RE: High Court of Sikkim (Suo Motu)
vs.
State of Sikkim & Ors.

BEFORE
MR. JUSTICE SATISH K. AGNIHOTRI, CJ &
MR. JUSTICE BHASKAR RAJ PRADHAN, J.

26. 12.07.17 Present: Mr. A. K. Upadhyaya, Sr. Advocate and Mr. Jorgay
(Agnihotri, CJ) Namka, Advocate as *Amicus Curiae* with Ms. Hemlata Sharma, Advocate for the Petitioner.

Mr. J. B. Pradhan, Addl. Advocate General with Mr. S.K. Chettri and Ms. Pollin Rai, Assistant Government Advocates for Respondents No. 1 to 5.

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Pursuant to our observations, it is informed that a team of Geologist from the Department of Mines, Minerals and Geology, Government of Sikkim along with Superintendent of Police, Namchi Sub-jail visited the site and made the following recommendations/suggestions:-

- “(i) Proper drainage system (Cascading type) with appropriate depth and width to be constructed at suitable location within jail complex to avoid further deterioration of the stability of the area. Prior to construction of drainage system the amount of annual rainfall and surface runoff to be calculated.
- (ii) Immediate toe protection works along Manpur khola to prevent toe cutting.
- (iii) Capacity of road drainage of the main road and approach road to be provided at the earliest.
- (iv) Detail Geological & Geo-technical investigation for formulation of mitigative measures of landslide in progress.
- (v) The drainage system to be connected to any natural waterways or till Manpur Khola down slope.”

It is further stated that a supplementary budget is required for the purpose of taking ameliorative steps.

Learned Amicus Curiae would contend that the time required by the Building & Housing Department may not await the damage likely to be caused, if needful is not done urgently, thus, a direction be issued to the Building & Housing Department to initiate the process of construction of proper drainage system and also other necessary protection works to avoid future unexpected incidents.

Accordingly, Building & Housing Department is directed to prepare a plan within a period of one week and initiate the work as recommended by the Department of Mines, Minerals and Geology and submit a report within a period of two weeks.

Let the Principal Chief Engineer-cum-Secretary, Building & Housing Department, Superintendent of Prison, Namchi Sub-jail and Senior Geologist from the Department of Mines, Minerals and Geology, dealing with the Namchi Sub-jail, be present on the next date of hearing.

Call on 25.07.2017.

Judge
12.07.2017

Chief Justice
12.07.2017

jk/avi **Index : ~~Yes~~ / No**
 Internet : Yes / ~~No~~