

HIGH COURT OF SIKKIM : GANGTOK
Record of Proceedings

IA No. 01/2024
IN
WP (PIL) No. 01/2024

MANI KUMAR SUBBA

APPLICANT(S)

VERSUS

STATE OF SIKKIM & ORS.

RESPONDENT (S)

For Applicant : Mr. A. Moulik, Senior Advocate with Mr. Yam Kumar Subba and Mr. Ranjit Prasad, Advocates.

For Respondents no. 1, 2 and 3 : Mr. Basava Prabhu S. Patil, Advocate General with Mr. Zangpo Sherpa, Addl. Advocate General, Mr. Sujan Sunwar and Mr. Shakil Raj Karki, Asst. Govt. Advocates.

For Respondents no. 9, 10 and 11 : Ms. Sangita Pradhan, Dy. Solicitor General of India with Ms. Natasha Pradhan and Ms. Purnima Subba, Advocates.

Date: 14/03/2024**CORAM:**

HON'BLE MR. JUSTICE BISWANATH SOMADDER, CHIEF JUSTICE
HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE

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ORDER : (per the Hon'ble, the Chief Justice)

Having heard the learned Advocates for the parties and upon perusing the interlocutory application as well as the writ petition, being WP (PIL) No.01/2024 — which has been filed as a Public Interest Litigation by the writ petitioner Mani Kumar Subba against the State of Sikkim and others — we are of the view that the matter cannot be disposed of finally without calling for affidavits and there is no scope of passing any ad-interim order.

Accordingly, let affidavit-in-opposition be filed within a period of six weeks from date. Reply thereto, if any, within three weeks thereafter.

List the writ petition, being WP (PIL) No.01/2024, for further consideration under an appropriate heading ten weeks hence.

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We make it clear that all points raised by the learned Advocate General including the point of maintainability of the writ petition as a Public Interest Litigation are kept open to be decided at the time of final hearing of the writ petition.

I.A No.01 of 2024 stands disposed of accordingly.

(Meenakshi Madan Rai)
Judge

(Biswanath Somadder)
Chief Justice

jk/ds/avi/ami