

**IN THE HIGH COURT OF SIKKIM
CIVIL EXTRA ORDINARY JURISDICTION**

W. P (PIL) No.

02

OF 2015

1. Shri Chewang Pintso Bhutia,
S/o Late Sonam Pintso Bhutia,
R/o Balwakhani, Gangtok,
P. O Raj Bhawan, East Sikkim.
2. Shri Rinzing Dorjee Gyaltsen Bhutia,
S/o Pema Chewang Bhutia,
R/o Phensong,
P. O Phensong, P. S Phodong.
North Sikkim. ----- Petitioners.

-VERSUS-

1. State of Sikkim,
Represented by and through the
Principal Chief Engineer-cum-Secretary,
Water Security and Public Health Engineering Department,
Nirman Bhawan, Gangtok.
- 2 The Additional Chief Engineer,
Water Security and Public Health Engineering Department,
Nirman Bhawan, Gangtok.
3. M/s K. N. B. Consortium,
C/o Shri K. N. Bhutia,
Having address at:
(i) Penlong Bazar, P. O Penlong,
P. S Sadar, Gangtok, East Sikkim.
(ii) Lal Market Road, Gangtok,
P. O Gangtok, East Sikkim.
4. Shri Thinley Tshering Bhutia,
Ex - Minister, Near Ruchi Clinic,
Gangtok, East Sikkim.
5. The Cabinet Secretary,
C/o Chief Secretary Office,
Government of Sikkim,
Gangtok, East Sikkim.
6. Union of India,
Represented by and through the Secretary,
Urban Development Department,
Nirma Bhawan,
New Delhi. ----- Respondents.

PETITIONER
ADVOCATE (S)
FOR -----

Mr. A. Moulik, Sr. Advocate, Mr. Manish Kumar
Jain and Mr. Ranjit Prasad.

RESPONDENT
ADVOCATE (S)
FOR -----

Mr. J. B. Pradhan, Addl. Advocate General,
Mr. S. K. Chettri and Ms. Pollin Rai, Asst.
Government Advocate.

Case No.....

Order (s) with Signature (s)	Date	Serial No.
3	2	

W.P.(PIL) No. 02/2015
Chewang Pintso Bhutia & Ors. vs. State of Sikkim & Ors.

BEFORE
HON'BLE THE CHIEF JUSTICE
MR. JUSTICE S. K. SINHA
HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE

10. 07.07.15 Present:
(Sinha, CJ)

Mr. A. Moulik, Sr. Advocate with Mr. Ranjit Prasad and Ms. K.D. Bhutia, Advocates for the Petitioners.

Mr. J.B. Pradhan, Addl. Advocate General with Mr. S.K. Chettri and Ms. Pollin Rai, Asstt. Govt. Advocates for the State-Respondents 1, 2 and 5.

Mr. Bhusan Nepal and Mr. D.K. Siwakoti, Advocates for Respondent No. 3.

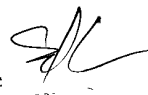
Mr. Ajay Rathi, Mr. Rahul Rathi, Mr. Aditya Makkhim and Ms. Pema W. Bhutia, Advocates for Respondent No. 4.

Mr. Karma Thinlay, Central Govt. Advocate for Respondent No. 6/Union of India.

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The Writ Petition stands disposed of vide, Judgment delivered in separate sheets.


Judge
07.07.2015


Chief Justice
07.07.2015

Index : Yes / No
Internet : Yes / No

/jk

**IN THE HIGH COURT OF SIKKIM
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02

OF 2015

1. Shri Chewang Pintso Bhutia,
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S/o Pema Chewang Bhutia,
R/o Phensong,
P. O Phensong, P. S Phodong.
North Sikkim.

-VERSUS-

1. State of Sikkim,
Represented by and through the
Principal Chief Engineer-cum-Secretary,
Water Security and Public Health Engineering Department,
Nirman Bhawan, Gangtok.
2. The Additional Chief Engineer,
Water Security and Public Health Engineering Department,
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Having address at:
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(ii) Lal Market Road, Gangtok,
P. O Gangtok, East Sikkim.
4. Shri Thinley Tshering Bhutia,
Ex - Minister, Near Ruchi Clinic,
Gangtok, East Sikkim.
5. The Cabinet Secretary,
C/o Chief Secretary Office,
Government of Sikkim,
Gangtok, East Sikkim.
6. Union of India,
Represented by and through the Secretary,
Urban Development Department,
Nirma Bhawan,
New Delhi.

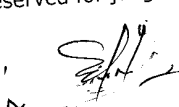
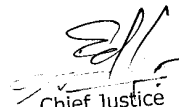
PETITIONER
ADVOCATE (S)
FOR -----

Mr. A. Moulik, Sr. Advocate, Mr. Manish Kumar Jain and Mr. Ranjit Prasad.

RESPONDENT
ADVOCATE (S)
FOR -----

Mr. J. B. Pradhan, Addl. Advocate General,
Mr. S. K. Chettri and Ms. Pollin Rai, Asst.
Government Advocate.

Case No.....

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02.07.15 (Sinha, CJ)	W.P.(PIL) No. 02/2015 Chewang Pintso Bhutia & Ors. vs. State of Sikkim & Ors. BEFORE HON'BLE THE CHIEF JUSTICE MR. JUSTICE S. K. SINHA HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE Present: Mr. A. Moulik, Sr. Advocate with Mr. Ranjit Prasad and Ms. K.D. Bhutia, Advocates for the Petitioners. Petitioners, Mr. Chewang Pintso Bhutia and Mr. Rinzing Dorjee Gyaltsen Bhutia, in person. Mr. J.B. Pradhan, Addl. Advocate General with Mr. S.K. Chettri and Ms. Pollin Rai, Asstt. Govt. Advocates for the State-Respondents 1, 2 and 5. Mr. K.P.T. Bhutia, Addl. Chief Engineer, NE, PHE Dept., Govt. of Sikkim. Mr. Sailendra Sharma, Superintending Engineer, NE, PHE Dept., Govt. of Sikkim. Mr. Chultrim Bhutia, Junior Engineer, Project, PHE Dept., Govt. of Sikkim. Mr. Bhusan Nepal and Mr. D.K. Siwakoti, Advocates for Respondent No. 3. Mr. Rahul Rathi, Advocate for Respondent No. 4. Mr. Karma Thinlay, Central Govt. Advocate for Respondent No. 6/Union of India. Arguments concluded. The matter reserved for judgment.  Judge 02.07.2015  Chief Justice 02.07.2015

Index : Yes / No
Internet : Yes / No

**IN THE HIGH COURT OF SIKKIM
CIVIL EXTRA ORDINARY JURISDICTION**

W. P (PIL) No. 62 OF 2015

1. Shri Chewang Pintso Bhutia,
S/o Late Sonam Pintso Bhutia,
R/o Balwakhani, Gangtok,
P. O Raj Bhawan, East Sikkim.
2. Shri Rinzing Dorjee Gyaltzen Bhutia,
S/o Pema Chewang Bhutia,
R/o Phensong,
P. O Phensong, P. S Phodong,
North Sikkim.

-VERSUS-

1. State of Sikkim,
Represented by and through the
Principal Chief Engineer-cum-Secretary,
Water Security and Public Health Engineering Department,
Nirman Bhawan, Gangtok.
- 2 The Additional Chief Engineer,
Water Security and Public Health Engineering Department,
Nirman Bhawan, Gangok.
- 3: M/s K. N. B. Consortium,
C/o Shri K. N. Bhutia,
Having address at:
(i) Penlong Bazar, P. O Penlong,
P. S Sadar, Gangtok, East Sikkim.
(ii) Lal Market Road, Gangtok,
P. O Gangtok, East Sikkim.
4. Shri Thinley Tshering Bhutia,
Ex - Minister, Near Ruchi Clinic,
Gangtok, East Sikkim.
5. The Cabinet Secretary,
C/o Chief Secretary Office,
Government of Sikkim,
Gangtok, East Sikkim.
6. Union of India,
Represented by and through the Secretary,
Urban Development Department,
Nirma Bhawan,
New Delhi.

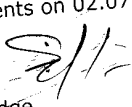
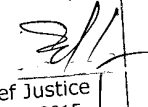
PETITIONER
ADVOCATE (S)
FOR -----

Mr. A. Moulik, Sr. Advocate, Mr. Manish Kumar Jain and Mr. Ranjit Prasad.

RESPONDENT
ADVOCATE (S)
FOR -----

Mr. J. B. Pradhan, Addl. Advocate General,
Mr. S. K. Chettri and Ms. Pollin Rai, Asst.
Government Advocate.

Case No.....

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08.	01.07.15 (Sinha, CJ)	W.P.(PIL) No. 02/2015 Chewang Pintso Bhutia & Ors. vs. State of Sikkim & Ors. BEFORE HON'BLE THE CHIEF JUSTICE MR. JUSTICE S. K. SINHA HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE Present: Mr. A. Moulik, Sr. Advocate with Mr. Ranjit Prasad and Ms. K.D. Bhutia, Advocates for the Petitioners. Petitioners, Mr. Chewang Pintso Bhutia and Mr. Rinzing Dorjee Gyaltsen Bhutia, in person. Mr. J.B. Pradhan, Addl. Advocate General with Mr. S.K. Chettri and Ms. Pollin Rai, Asstt. Govt. Advocates for the State-Respondents 1, 2 and 5. Mr. K.P.T. Bhutia, Addl. Chief Engineer, NE, PHE Dept., Govt. of Sikkim. Mr. Sailendra Sharma, Superintending Engineer, NE, PHE Dept., Govt. of Sikkim. Mr. Chultrim Bhutia, Junior Engineer, Project, PHE Dept., Govt. of Sikkim. Mr. Bhusan Nepal and Mr. D.K. Siwakoti, Advocates for Respondent No. 3. Mr. Rahul Rathi, Advocate for Respondent No. 4. Mr. Karma Thinlay, Central Govt. Advocate for Respondent No. 6/Union of India. ... Arguments are going on. List for further arguments on 02.07.2015.  Judge 01.07.2015  Chief Justice 01.07.2015
at/jk	Index : Yes / No Internet : Yes / No	

**IN THE HIGH COURT OF SIKKIM
CIVIL APPELLATE JURISDICTION**

C.M. Appl. No. 113 of 2015
(In WP(C). No. 02 of 2015)

1. Shri Chewang Pintso Bhutia,
S/o Late Sonam Pintso Bhutia,
R/o Balwakhani, Gangtok,
P.O. Raj Bhawan, East Sikkim.
2. Shri Rinzing Dorjee Gyaltsen Bhutia,
S/o Pema Chewang Bhutia,
R/o Phensong,
P.O. Phensong, P.S. Phodong,
North Sikkim.Applicants.

Versus

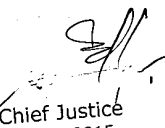
1. State of Sikkim,
Represented by and through the
Principal Chief Engineer-cum-Secretary,
Water Security and Public Health
Engineering Department,
Nirman Bhawan, Gangtok.
2. The Additional Chief Engineer,
Water Security and Public Health
Engineering Department,
Nirman Bhawan, Gangtok.
3. Mr.K.N.B. Consortrium,
C/o shri K.N. Bhutia,
(i) Penlong Bazar, P.O. Penlong,
P.S. sadar, Gangtok, East Sikkim.
(ii) Lal Market Road, Gangtok,
P.O. Gangtok, East Sikkim.
4. Shri Thinley Tshering Bhutia,
Ex-Minister, Near Ruchi Clinic,
Gangtok, East Sikkim.
5. The Cabinet Secretary,
C/o Chief Secretary Office,
Government of Sikkim,
Gangtok, East Sikkim.
6. Union of India,
Represented by and through the
Secretary, Urban Development
Department, Nirman Bhawan,
New Delhi.Respondents

PETITIONER
ADVOCATE (S)
FOR -----

Mr.A.Moulik,Sr.Advocate with Mr.Manish Kr.Jain,
Mr.Ranjeet Prasad and Ms.K.D.Bhutia

RESPONDENT
ADVOCATE (S)
FOR -----

Mr. J. B. Pradhan, Addl. Advocate General with
Mr. S. K. Chettri and Ms. Pollin Rai, Asstt. Govt.
Advocates. Mr. Karma Thinlay, Central Govt. Advocate
with Mr. Thinlay Dorjee Bhutia, Mr. Rahul Rathi and
Mr. Aditya Makkim

Sl. No.		DATE	ORDER (S) WITH SIGNATURE (S)
1		2	3
BEFORE			
HON'BLE THE CHIEF JUSTICE			
MR. JUSTICE S. K. SINHA			
HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE			
08.	07.07.15 (Sinha, CJ)	This CMA also stands disposed of in terms of the Judgment dated 07.07.2015 passed in main writ petition, W.P. (PIL) No. 02 of 2015.	
		 Judge 07.07.2015	 Chief Justice 07.07.2015
at/jk	Index : Yes / No Internet : Yes / No		

**IN THE HIGH COURT OF SIKKIM
CIVIL APPELLATE JURISDICTION**

C.M. Appl. No. 113 of 2015
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North Sikkim.
-Applicants

Versus

1. State of Sikkim,
Represented by and through the
Principal Chief Engineer-cum-Secretary,
Water Security and Public Health
Engineering Department,
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Government of Sikkim,
Gangtok, East Sikkim.
 6. Union of India,
Represented by and through the
Secretary, Urban Development
Department, Nirman Bhawan,
New Delhi.
-Respondents

PETITIONER
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Mr.A.Moulik, Sr. Advocate with Mr. Manish Kr. Jain,
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Mr. J. B. Pradhan, Addl. Advocate General with
Mr. S. K. Chettri and Ms. Pollin Rai, Asstt. Govt.
Advocates. Mr. Karma Thinlay, Central Govt. Advocate
with Mr. Thinlay Dorjee Bhutia, Mr. Rahul Rathi and
Mr. Aditya Makkim

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BEFORE

**HON'BLE THE CHIEF JUSTICE
MR. JUSTICE S. K. SINHA**

HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE

07. 02.07.15
(Sinha, CJ)

Present:

Mr. A. Moulik, Sr. Advocate with Mr. Ranjit Prasad
and Ms. K.D. Bhutia, Advocates for the Petitioners.

Petitioners, Mr. Chewang Pintso Bhutia and Mr.
Rinzing Dorjee Gyaltzen Bhutia, in person.

Mr. J.B. Pradhan, Addl. Advocate General with Mr.
S.K. Chettri and Ms. Pollin Rai, Asstt. Govt.
Advocates for the State-Respondents 1, 2 and 5.

Mr. K.P.T. Bhutia, Addl. Chief Engineer, NE, PHE
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Mr. Sailendra Sharma, Superintending Engineer, NE,
PHE Dept., Govt. of Sikkim.
Mr. Chultrim Bhutia, Junior Engineer, Project, PHE
Dept., Govt. of Sikkim.

Mr. Bhusan Nepal and Mr. D.K. Siwakoti, Advocates
for Respondent No. 3.

Mr. Rahul Rathi, Advocate for Respondent No. 4.

Mr. Karma Thinlay, Central Govt. Advocate for
Respondent No. 6/Union of India.

Arguments have been concluded in the main writ
petition.

Post it for orders along with main writ petition,

W.P.(PIL) No. 02/2015.

Judge

02.07.2015

Chief Justice
02.07.2015

at/jk
Index : Yes / No
Internet : Yes / No

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Versus

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Represented by and through the
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2. The Additional Chief Engineer,
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FOR -----

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Advocates. Mr. Karma Thinlay, Central Govt. Advocate
with Mr. Thinlay Dorjee Bhutia, Mr. Rahul Rathi and
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BEFORE

**HON'BLE THE CHIEF JUSTICE
MR. JUSTICE S. K. SINHA**

HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE

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(Sinha, CJ)

Present: Mr. A. Moulik, Sr. Advocate with Mr. Ranjit Prasad
and Ms. K.D. Bhutia, Advocates for the Petitioners.

Petitioners, Mr. Chewang Pintso Bhutia and Mr.
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Mr. Sailendra Sharma, Superintending Engineer, NE,
PHE Dept., Govt. of Sikkim.
Mr. Chultrim Bhutia, Junior Engineer, Project, PHE
Dept., Govt. of Sikkim.

Mr. Bhusan Nepal and Mr. D.K. Siwakoti, Advocates
for Respondent No. 3.

Mr. Rahul Rathi, Advocate for Respondent No. 4.

Mr. Karma Thinlay, Central Govt. Advocate for
Respondent No. 6/Union of India.

...
List along with W.P.(PIL) No. 02/2015 on
02.07.2015.

Judge
01.07.2015

Chief Justice
01.07.2015

at/jk
Index : Yes / No
Internet : Yes / No