

HIGH COURT OF SIKKIM : GANGTOK
Record of Proceedings

WP(PIL) No. 03 of 2026

IN RE- FATAL ACCIDENT RENEWS DEMAND FOR SAFETY BARRIERS AT TIKJEK CLIFF

For Petitioner(s) : Mr. Tashi Raptan Barfungpa, Sr. Advocate as Amicus Curiae with Ms. Parvin Mangar, Advocate.

For Respondent(s)
R-1 to R-4 : Mr. Zangpo Sherpa, Additional Advocate General with Ms. Pema Bhutia, Assistant Government Advocate.

R-5 : Ms. Sangita Pradhan, Deputy Solicitor General of India with Ms. Sittal Balmiki, Advocate.

Date: 02/04/2026

CORAM:

HON'BLE MR. JUSTICE A. MUHAMED MUSTAQUE, CHIEF JUSTICE
HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE

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O R D E R: (per the Hon'ble Chief Justice)

This *suo moto* Public Interest Litigation (PIL) is initiated based on a newspaper report published in the *Sikkim Express* dated 09.03.2026. Noting the newspaper report, the Chief Justice directed that the matter be placed before the Sikkim State Legal Services Authority (SSLSA). Accordingly, District Legal Services Authority (DLSA), Gyalshing District, Sikkim, has placed a report. The report affirms the genuine concerns of the public about the safety measures alongside the road at Tikjek Cliff, Gyalshing District, Sikkim.

The learned Secretary of the DLSA, Gyalshing District, Sikkim, have interacted with members of the public and based on inspection, has suggested the following measures to be taken:-

"....."

8.
- a) Installation of street lights.
- b) Installation of cat's eyes (road reflectors) and signage along the road.
- c) Widening of the road at the accident site and along the adjoining cliff stretch of approximately 1.1 km.

"....."

Considering the importance of the issue, this Court appoints Mr. Tashi Raptan Barfungpa, learned Senior Advocate as *Amicus Curiae* to assist this Court in the matter.

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The learned Additional Advocate General takes notice for the State.

The learned Deputy Solicitor General of India takes notice on behalf of Respondent No.5, i.e., the Ministry of Road Transport and Highways (MoRTH).

The newspaper highlights that a fatal accident occurred on 28th February, 2026 at around 11:30 p.m. It is appropriate to reiterate the SSLSA (*supra*) to submit a report in this regard as referred to in paragraph 3 of the report of Secretary, District Legal Services Authority, Gyalshing District, Sikkim.

Paragraph 3 of the said report is as follows:-

"....."

3. The incident was reported by one local resident to the Gyalshing Police Station, thereafter the police personnel, on night duty, reached the place of accident at around 12:00 a.m. (1st March, 2026). Upon arrival, they found injured bodies of three victims. One victim, Mr. Nagendra Gurung (*aged 18 years S/o Amber Gurung R/o Lingchom Gyalshing District*) was found dead on the spot. The other two victims, Mr. Ongchen Bhutia (*20 years S/o. Phur Tempa Bhutia R/o. Sindrabong Darap, Gyalshing District*) and the driver of the vehicle, Mr. Pradeep Chettri (*aged 45 years S/o Kharka Bdr. Chettri R/o Salley Lingchom, Gyalshing District*) were immediately taken to the District Hospital, Gyalshing for medical assistance. However, the two of them succumbed to their injuries in the District Hospital, Gyalshing, at around 12:25 p.m. and 12:45 p.m. (1st March, 2026), respectively. The postmortem of the dead bodies of all the three victims were conducted on 1st March, 2026 between 09:00 a.m. to 10:30 a.m. at District Hospital, Gyalshing. However, the reports are yet to be issued. It was also informed that Mr. Nagendra Gurung and Mr. Ongchen Bhutia were classmates studying at P.M. Shri Government Senior Secondary School, Pelling, Gyalshing District, and were students of the final Class XII.

"....."

The learned *Amicus Curiae*, as well as the learned Secretary, DLSA, Gyalshing District, Sikkim shall inquire whether the victims are entitled to any compensation in accordance with the Motor Vehicles Act, 1988. If they are not entitled to any compensation under the Motor Vehicles Act, 1988, the State shall show-cause why compensation shall not be ordered against them for their failure to guard the stretch. The learned Secretary, DLSA, Gyalshing District, Sikkim shall also inquire about the economic status of the family and place details.

In the meanwhile, Respondent Nos.2 & 3 shall consider the suggestions made by the learned Secretary, DLSA, Gyalshing District, Sikkim. We may not

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have any doubt that suggestion 'b' will have to be implemented immediately. Accordingly, this Court directs the District Collector to take immediate steps for installation of cat's eyes (road reflectors) and signage along the road and to report compliance by next posting.

The matter stands adjourned for further report from the DLSA, Gyalshing District, Sikkim as well as of the learned *Amicus Curiae*. The State shall also report compliance with regard to the direction issued as above.

Copy of the order shall be served to all free of cost and also forward a copy to the Secretary, DLSA, Gyalshing District, Sikkim, through the SSLSA.

Stand over to 28th April, 2026.

(Meenakshi Madan Rai)
Judge

(A. Muhamed Mustaque)
Chief Justice

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