

WP(PIL) No.05 of 2016

In Re : Debacle in Upper Dzongu

BEFORE

HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE

10. 03-03-2017 Present : Mr. B. R. Pradhan, Senior Advocate as *Amicus Curiae* with Ms. Tshering Palmoo Bhutia, Advocate as *Amicus Curiae* for the Petitioner.

Mr. Karma Thinlay Namgyal, Senior Government Advocate with Mr. S. K. Chettri and Mrs. Pollin Rai, Assistant Government Advocates for the State-Respondents.

Seen the Status Report filed by the Respondent No.1 in compliance to the Order dated 25-01-2017.

As regards compensation to the victims, it was pointed out by Learned Counsel for State-Respondents that Affidavit dated 04-10-2016 reflects the details of compensation made over to them as per the National Disaster Relief Fund (NDRF) and the Chief Minister Relief Fund (CMRF) norms.

With regard to road connectivity on the other side of the lake, the road network from Mantam to Lingdem is likely to be completed by the end of March, 2017.

The breaching of the lake is to be carried out in a phased manner.

The School is being run in a three room pucca structure and land is being identified by the District Collectorate, North Sikkim, for allocation to the HRDD, Government of Sikkim, for the purposes of building a School.

Learned *Amicus Curiae* submitted that a lump sum amount has been made to each of the affected families as

compensation as per the NDRF and the CMRF norms with no record of assessment of the actual loss suffered by each of the families.

That, once the lake is breached the three GPU's on the other side of the lake have to be accessible, therefore, connectivity to the other side of the lake by alternative means be made simultaneously. It was also pointed out by Learned Amicus Curiae that the victims have themselves made alternate arrangements for rehabilitation as reported by the State-Respondents in their previous Affidavit, but it is the State Government who ought to rehabilitate them. That, identification and allocation of land for School may be expedited.

The State Government shall file a consolidated Report on the points raised *supra*.

An Application being I.A. No.01 of 2017 has been filed vide which three members of the GPU across the lake seek to be impleaded as parties. Since this is Division Bench matter which is not available today, list on 05-04-2017.

Sd/-
Judge
03-03-2017

Index : ~~Yes~~/No

Internet : Yes/~~No~~