

W P. (PIL) No. 05 OF 2016

In Re: Debacle in Upper Dzongu ----- Petitioner.

PETITIONER
ADVOCATE (S)
FOR ----- Mr. B. R. Pradhan, Senior Advocate, Amicus Curiae
with Ms. Tshering Palmoo Bhutia, Amicus Curiae.

RESPONDENT
ADVOCATE (S)
FOR -----

Case No.....

Serial No.	Date	Order (s) with Signature (s)
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05	05.10.16 (Agnihotri, CJ)	W. P. (PIL) No. 05/2016 In RE: DEBACLE IN UPPER DZONGU BEFORE MR. JUSTICE SATISH K. AGNIHOTRI, CJ & MRS. JUSTICE MEENAKSHI MADAN RAI, J. Present: Mr. B. R. Pradhan, Senior Advocate (<i>Amicus Curiae</i>) with Ms. Tshering Palmoo Bhutia, Advocate for the Petitioner. Mr. J. B. Pradhan, Addl. Advocate General and Mr. Karma Thinlay, Sr. Govt. Advocate with Mr. Santosh Kr. Chettri and Ms. Pollin Rai, Assistant Government Advocate the State. ... Pursuant to the direction dated 06-09-2016 made by us, Status Report is filed by the Chief Secretary, indicating immediate relief and rehabilitation measures taken to resettle the persons affected by the landslip of 13-08-2016. On perusal of various Reports submitted by the National Disaster Management Authority (NDMA), National Hydroelectric Power Corporation Limited (NHPC), Central Water Commission (CWC), Department of Mines, Minerals and Geology, Government of Sikkim, Shri B.D. Patni, Ex-Chief Geologist (NHPC), Freeland Geological Consultant, all the expert bodies have unanimously recommended emptying the lake at the earliest. The Reports were

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		received by the State Government in the first week of September, 2016. The Government is taking its own time to take a decision in the matter. On perusal of the Report dated 03-09-2016 of the NHPC, we notice that the NHPC has reported that there is a well populated town named 'Dikchu', about 20 kms. downstream. The travel time for high water wave is expected to be less than 30 minutes which may not give time to the population to take steps and will result in loss of life and property. The Central Water Commission (CWC) in its report has suggested that the stability of the landslide dam is not reliable and the lake is to be emptied at the earliest. The National Disaster Management Authority (NDMA), in its Report has made the following recommendations: - "8.0 Recommendations : 1. An immediate intervention is required to mitigate the probable risk of flash flood in Teesta River valley which falls in typical geo-tectonically active area. 2. All necessary precautionary measures should be taken up by State Government before and during period of intervention.

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		3. The volume of debris material accumulated at landslide site and cutting of slope from surrounding upstream and downstream valley due to sudden surge of water release may also be considered by CWC in dam break scenario of artificial dam in future." In such a situation, the State Government is obliged to consider the reports and recommendation at the earliest and take a decision immediately since almost four weeks have already passed after receipt of reports from various authorities, but till date no decision appears to have been taken by the Government. The Government Authorities are directed to take requisite steps to ensure that the persons living in Dikchu and other towns downstream be informed in advance about any lurking danger and remedial measures may be taken to ensure that nothing untoward occurs. List on 27-10-2016.  Judge 05.10.2016  Chief Justice 05.10.2016

jk/ds Index : Yes / No
Internet : Yes / No