

HIGH COURT OF SIKKIM

Record of Proceedings

W. P. (PIL) No. 05/2016

In RE: DEBACLE IN UPPER DZONGU

Date: 06/04/2018

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI

For Petitioner (s) : Ms. Tamanna Chhetri, Advocate as
Amicus Curiae.

For Respondent (s) : Mr. J.B. Pradhan, Addl. Advocate
General with Mr. Karma Thinlay, Sr.
Govt. Advocate, Mr. Thinlay Dorjee
Bhutia, Govt. Advocate, Mr. S.K. Chettri,
Assistant Government Advocate and Ms.
Roshni Chhetri, Advocate (L.R. & D.M.
Dept.) for the State.

For Interveners : Dr. Doma T. Bhutia and Mr. Ratan
Gurung, Advocates.

Mr. Rinzing Chewang Bhutia, Special
Secretary, Land Revenue & Disaster
Management Department, Govt. of
Sikkim.

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On 21.02.2018, this Court having perused the affidavit and
also considered the submissions made by the Senior
Government Advocate, passed the following order:

"It is reported by the Chief Secretary,
Government of Sikkim, that Tower base is complete and
Anchor block at Tingbong site has also been completed.
Anchor Block at other site is under progress and the
construction of Suspension Foot Bridge would be
completed by the end of March, 2018.

In respect of 2 Lane Bridge, it is submitted that
the Project has been duly approved and sanctioned. It
is at the stage of award of contract which will also be
done by the end of March, 2018.

In such view of the matter, we are not inclined to
pass any order at this stage.

The Learned Amici Curiae are requested to visit
the site and make suggestions/submissions, if any."

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In response thereto, the Chief Secretary has filed an affidavit stating the status of the project as under:

"3. Present Status of the Work

(a) Two Lane Bridge:

The Notice Inviting Tender for the work of restoration of connectivity by vehicular means to the villages located on the left bank of River Kanaka was extended till 19/3/2018 as no bids were received earlier. However, two bids were received in the subsequent tender and the technical bid was opened on 24/03/2018. The process of technical evaluation of the technical bid is under progress at present.

(b) Suspension Foot Bridge:

The present status of work with regard to the construction of suspension foot bridge is as under:-

(i) Tower Base:

The Tower Base for the bridge on both sides of the River Kanaka has been completed.

(ii) Anchor Block:

The Anchor Block on both sides of the River Kanaka has been completed.

(iii) Steel Tower:

The fabrication of the steel tower required for the bridge has been started and expected to be completed by end of April, 2018. The fabrication process is taking more than the expected time frame due to unavailability of high voltage power supply at site. The fabrication is solely dependent on supply from a normal power generator set. In the earlier affidavit, the completion date for suspension foot bridge was mentioned as 31/03/2018. However, due to the aforementioned reasons and other unforeseen reasons the bridge could not be completed within this period. However, all efforts are being made to complete the bridge by the end of April, 2018.

Photographs of the work site at Mantam have been enclosed herewith and marked as **Annexure R-1**.

4. Construction of sliding bridge (22 meter) span over Kanaka River at Mantam in Upper Dzongu in North Sikkim.

Lately, the lake in Mantam has been transformed into a vast sand deposit and the river width has attained a narrow course due to the decrease in the flow of river in the lean season. Considering this a temporary sliding vehicular bridge over the river was constructed. All efforts and available resources were put in to build this bridge during this period. The bridge was opened for traffic from 14th March, 2018. At present the bridge is catering to normal traffic flow thereby, easing the problems of the villagers at present. Photographs of the temporary bridge is enclosed herewith and marked as **Annexure R-2."**

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On a specific query as to what is the length of the Bridge, the learned Additional Advocate General submits that he is not aware. When, Mr. Rinzing Chewang Bhutia, Special Secretary, Land Revenue and Disaster Management Department, the officer present in the Court to assist the learned Additional Advocate General, was enquired about it, he had the same reply, stating that it is concerned with the Roads and Bridges Department.

On perusal of the Affidavit, it appears that the length of the Bridge is 22 mtrs. which is not in the knowledge of the learned Additional Advocate General or the officer present.

Be that as it may, let the Secretary, Roads and Bridges Department, be present on the next date of hearing to brief us fully on the status of the Bridge.

List on 18.04.2018.

Judge

06.04.2018

Chief Justice

06.04.2018

jk/ds

Index : ~~Yes~~ / No
Internet : Yes / ~~No~~