

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

PETITIONER

FOR ----- Mr. B. R. Pradhan, Senior Advocate, Amicus Curiae  
with Ms. Tshering Palmoo Bhutia, Amicus Curiae.

ADVOCATE (S)

FOR -----

Case No.....

| Serial No. | Date                         | Order (s) with Signature (s)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| 04.        | 06.09.16<br>(Agnihotri, ACJ) | <p style="text-align: center;"><b>W. P. (PIL) No. 05/2016</b><br/><b>In RE: DEBACLE IN UPPER DZONGU</b></p> <p style="text-align: center;"><b>BEFORE</b><br/><b>MR. JUSTICE SATISH K. AGNIHOTRI, ACJ &amp;</b><br/><b>MRS. JUSTICE MEENAKSHI MADAN RAI, J.</b></p> <p>Present: Mr. B. R. Pradhan, Senior Advocate (<i>Amicus Curiae</i>) with Ms. Tshering Palmoo Bhutia, Advocate for the Petitioner.</p> <p>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.</p> <p>Mr. Tsegyal Tashi, Relief Commissioner-cum-Secretary.</p> <p style="text-align: center;">...</p> <p><b><u>IA No.1/2016</u></b></p> <p>This is an application, seeking permission to place on record the Report, indicating steps taken by the State Government.</p> <p>It is ordered.</p> <p>Accordingly, IA stands disposed of.</p> <p>Mr. B. R. Pradhan, learned Amicus Curiae, pursuant to our observations dated 17.08.2016, visited the site where natural calamity occurred, which made us to take up the matter on <i>suo motu</i> and submitted his preliminary report. Mr. Pradhan, learned Senior Advocate, had made certain suggestions, namely, a provision for immediate coordinated action for rescue, relief and rehabilitation be</p> |

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|            |      | <p>taken. Secondly, telecommunication booths be installed at appropriate places for having regular communication with relatives and also to ensure proper relief work. A provision for medical facility be made available all the time. A gratuitous relief be made available to all the concerned persons where the gargantuan calamity had befallen the inhabitants of the area. The Passingdong Senior Secondary School has been damaged under the said landslide. A provision be made to re-start the school at an appropriate place so that the children of the locality who are already admitted in the school cannot suffer and their academic sessions do not go waste. A provision be made for rehabilitation and compensation for loss of property and animal life. Regular camps be established at an appropriate place, having access without much difficulty. A long term solution be found out wherein the access to the areas, particularly, in the instant case, to other side of the dam created be maintained throughout, without interruption.</p> <p>We have also heard Mr. Tsegyal Tashi, Secretary-cum-State Relief Commissioner, Land Revenue &amp; Disaster Management Department, Government of Sikkim. According to him, immediate steps were taken to provide shelters and also provide food and medicines to the</p> |

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|            |      | <p>inhabitants of the area, who were affected by the said landslide. It is further stated by him that a part of the land, in question, was already acquired by the Government and the owners of the houses thereon have been allotted plots and houses elsewhere, wherein they are residing. The persons, living therein, were either tenants or other local people who were substantially affected. Immediate relief was provided and also temporary shelter homes were made. The Government has taken a decision to provide permanent shelters and also to examine the difficulties faced by the people, living in such areas. The Government is in the process of preparing a scheme for the people, who are living in different areas and facing such difficulties, on permanent basis.</p> <p>We have considered the suggestions made by learned <i>Amicus Curiae</i> and also the steps taken by the authorities. We appreciate the immediate steps taken by the authorities, however, much is required to be done. Accordingly, as requested, we grant four weeks' time to the State Government to consider the suggestions made by the <i>Amicus Curiae</i> and submit a detailed report indicating the steps taken by them for permanent rehabilitation and also granting other incidental reliefs, which are necessary for good living.</p> |

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|            |      | <p>Call on 05-10-2016.</p> <div><div><br/><b>Judge</b><br/>06.09.2016</div><div><br/><b>Acting Chief Justice</b><br/>06.09.2016</div></div> |

Index : Yes / No  
pm/ds Internet : Yes / No