

IN THE HIGH COURT OF SIKKIM
CIVIL EXTRA ORDINARY JURISDICTION

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 -----

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.

07. 09.11.16 Present: Mr. B. R. Pradhan, Senior Advocate (*Amicus Curiae*)
(Agnihotri, CJ) with Ms. Tshering Palmoo Bhutia, Advocate for the
Petitioner.

Mr. Karma Thinlay, Sr. Govt. Advocate with Ms.
Pollin Rai, Assistant Government Advocate for the
State.

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In response to our observation made on 27-10-2016,
the Chief Secretary has filed an Affidavit dated 08-10-2016
responding to the observations made by the Amicus
Curiae.

It is stated that the public of the area has raised a
demand to retain the lake. The Government has decided
to observe the situation for some more time and take
necessary steps in accord with the various
recommendations made by the expert bodies. To mitigate
problem, several precautionary measures have been taken
which are as under:-

8.

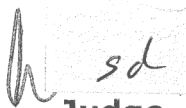
1. Regular Gauge (water level & discharge of the
Kanaka River is being monitored on an hourly
basis daily at two locations downstream of the
lake at the CWC suspension bridge site and
Namprikdang by NHPC Stage V authorities and
the date is being communicated to the District
Administration on a daily basis.

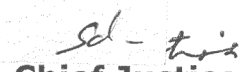
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2. A Hooter/Alarm System has been installed by the NHPC Stage V authorities at Phidang, upstream to Dikchu in order to alert the public in advance in case of likelihood of breach of the dam. The alarm system can be operated manually as well as remotely through GSM mobile.
3. All the downstream police outposts have been alerted and sensitized about the situation.
4. All the panchayats and public residing downstream and in the low lying areas downstream of the lake have been sensitized and alerted about the situation.
5. As and when mitigation measures to breach the landslide dam to empty the water in the lake is taken up, all the safety recommendations contained in the various reports including that of NDMA shall be followed strictly."

Having regard to the precautionary measures taken by the authorities, we are of the view that some more time be granted to the State Government to examine the Reports/Recommendations made by the Expert Organisations and take into consideration the impending danger if the lake is not emptied at the earliest.

List on 13-12-2016.


Judge
09.11.2016


Chief Justice
09.11.2016