

**IN THE HIGH COURT OF SIKKIM
CIVIL EXTRA ORDINARY JURISDICTION**

W. P. (PIL) No. 06 OF 2015

Shri. Biraj Adhikari,
S/o Shri. T. P. Sharma,
R/o Baha'i School Road,
Tadong, Gangtok, East Sikkim. ----- Petitioner.

-VERSUS-

1. State of Sikkim,
Notice through: The Chief Secretary,
Government of Sikkim,
Office of the Chief Secretary,
Gangtok, East Sikkim.
2. The Secretary,
Home Department,
Government of Sikkim,
Gangtok, East Sikkim.
3. The Secretary,
Land Revenue & Disaster Management Department,
Government of Sikkim,
Gangtok, East Sikkim.
4. The District Collector,
East District,
Sichey, Gangtok, East Sikkim.
5. The District Collector,
South District,
Namchi, South Sikkim.

6. The District Collector,
West District,
Tikjuk, Gyalshing, West Sikkim.

7. The District Collector,
North District,
Pentok, Mangan, North Sikkim.

8. The Director General,
Sikkim Police,
Police Headquarter,
National Highway, Gangtok.

9. The Station House Officer,
Sadar Police Station,
Gangtok, East Sikkim.

10. Union of India,
Notice through: The Secretary,
Home Ministry,
North Block, New Delhi. ----- Respondents.

PETITIONER

ADVOCATE (S)

FOR ----- Mr. Sudesh Joshi, Mr. Deepen Pradhan,
Ms. Tengop Subba and Mr. Sishir Mothay.

RESPONDENT

ADVOCATE (S)

FOR ----- Mr. J. B. Pradhan, Addl. Advocate General,
Mr. Karma Thinlay, Sr. Govt. Advocate, Mr. S. K.
Chettri and Ms. Pollin Rai Asst. Govt. Advocate.

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13.	20.10.16 (Agnihotri, CJ)	WP (PIL) No. 06/2015 Biraj Adhikari vs. State of Sikkim & Ano. BEFORE MR. JUSTICE SATISH K. AGNIHOTRI, CJ & MRS. JUSTICE MEENAKSHI MADAN RAI, J. Present: Mr. Sudesh Joshi, Advocate for the Petitioner. Mr. J.B. Pradhan, Addl. Advocate General with Mr. Santosh Kr. Chettri and Ms. Pollin Rai, Asstt. Govt. Advocates for Respondents No. 1, 2 and 3. Mr. Karma Thinlay, Central Govt. Advocate for Respondent No. 10. ... Mr. Rinzing Chewang Bhutia, the then Additional Secretary, Land Revenue and Disaster Management Department, Government of Sikkim, in his Affidavit dated 16.04.2016 has clearly stated that, all the 31180 (thirty one thousand one hundred and eighty) doubtful cases of Sikkim Subject Certificate/Certificate of Identification shall be obtained and verified from the original Register maintained in the Office of the 3rd Respondent, i.e., Secretary, Land Revenue and Disaster Management Department. A Bench of this Court considering all the aspects of the matter, vide an Order dated 20.06.2016 directed the Respondents, in particular, Respondent No.3, to carry out scrutiny and enquiry in the manner contained in Paragraph

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		3 of Affidavit dated 16.04.2016. It is apt to quote the relevant Paragraph 3 for better understanding of the statement made by the Officer concerned. It reads as under: "3. It is submitted that in order to carry out the scrutiny of 31,180 doubtful cases of Sikkim Subject Certificate/Certificate of Identification, the records maintained in the District Collectors Office shall be obtained. The details mentioned by the applicants in their applications for grant of Certificate of Identification will be verified from the original register maintained in the Respondent No. 3 Department. It is further submitted that from the list of 31,180 doubtful cases, if cases are found to be doubtful in the scrutiny, the same shall be referred to the concerned District Collector for further inquiry and cancellation, if necessary, in accordance with the Notification No. 119/Home/2010 dated 26.10.2010. A copy of the said Notification is annexed herewith and marked as Annexure A-1." Mr. Rinzing Chewang Bhutia (now promoted as Special Secretary) had filed one more Affidavit on 19.10.2016, pursuant to our direction as aforetasted, stating as under: "4. With regard to East District, the total number of doubtful cases is 20736. The Minor/not obtained cases is 9837. The total number of certificate of Identification/Sikkim Subject Certificate records to be verified is 10899 out of which 2889 has been verified at the Head Office level. The remaining 8010 number of Certificate of Identification/ Sikkim Subject Certificate is to be verified by the District Collectors, East as per the procedure prescribed vide Notification No. 119/Home/2010 dated 26/10/2010. 5. With regard to West District, the total number of doubtful cases is 3703. The Minor/not obtained cases is 1827. The total number of certificate of Identification/Sikkim Subject Certificate records to be verified is 1276 out of which 20 has been verified at the Head Office level. The remaining 1256 number of Certificate of Identification/ Sikkim Subject Certificate is to be verified by the District Collectors, West as per the

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		procedure prescribed vide Notification No. 119/Home/2010 dated 26/10/2010. 6. With regard to North District, the total number of doubtful cases is 572. The Minor/not obtained cases is 251. The total number of certificate of Identification/Sikkim Subject Certificate records to be verified is 321 out of which 42 has been verified at the Head Office level. The remaining 279 number of Certificate of Identification/ Sikkim Subject Certificate is to be verified by the District Collectors, North as per the procedure prescribed vide Notification No. 119/Home/2010 dated 26/10/2010. 7. With regard to South District, the total number of doubtful cases is 6777. The Minor/not obtained cases is 3873. The total number of certificate of Identification/Sikkim Subject Certificate records to be verified is 2904 out of which 183 has been verified at the Head Office level. The remaining 2721 number of Certificate of Identification/ Sikkim Subject Certificate is to be verified by the District Collectors, South as per the procedure prescribed vide Notification No. 119/Home/2010 dated 26/10/2010." On perusal of the aforesated Affidavits, it is luculent that only 3134 (three thousand one hundred and thirty four) cases have been verified at the Headquarter in the Office of Respondent No.3, the remaining cases have been remitted back to the respective Districts for further verification. It appears to us that the steps taken by the Secretary is not in consonance with the statement made earlier in the Affidavit. Accordingly, we grant one week time to the Special Secretary to file proper Affidavit stating clearly the fact as to whether all the cases of 31180 (thirty one thousand one hundred and eighty), which are stated to be doubtful have been duly verified in accord with the Register maintained

RECEIVED THE SECRETARY TO THE GOVERNMENT OF SIKKIM

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		by the 3rd Respondent. If yes, how many cases, which were found to be non-genuine or doubtful are remitted back to the respective Districts for further enquiry and verification. The requisite Affidavit shall be filed on or before 26.10.2016. Call on 27.10.2016.  Judge 20.10.2016  Chief Justice 20.10.2016

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