

HIGH COURT OF SIKKIM

Record of Proceedings

W.P. (PIL) No. 06/2016

NIM CHOGYAL LEPCHA & ANR.

Petitioner (s)

VERSUS

STATE OF SIKKIM & ANR.

Respondent (s)

Date: 05/04/2018

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN

For Petitioner(s) : Ms. Gita Bista, Advocate as Amicus Curiae.

For Respondent (s) : Mr. Karma Thinlay, Sr. Govt. Advocate with Mr. Thinlay Dorjee Bhutia, Govt. Advocate, Mr. S.K. Chettri and Ms. Pollin Rai, Asstt. Govt. Advocates.

Mr. Dorjee Dadul Bhutia, Addl. Chief Engineer, Roads & Bridges Dept., Govt. of Sikkim.

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On 26.02.2018 we have specifically directed the State Government to furnish the latest technology used for construction of roads.

Mr. Dorjee Dadul Bhutia, Addl. Chief Engineer, Roads & Bridges Dept. has submitted an affidavit dated 03.04.2018 stating therein that the only technology available for construction of pavements is (i) Rigid Pavement and (ii) Flexible Pavement. On query, as to whether the Rigid Pavement and Flexible Payment is one or same, it is informed that the road construction in technological terms is called as Pavement. On further query, as to whether these two technologies are available in Sikkim or elsewhere in the developed countries also as it is noticed that in the neighbouring countries having the same

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terrain, roads are wide and appear to having different technologies, the officer-in-charge is unable to give any response. It is beyond our comprehension as to how despite our clear orders why complete information could not be gathered from various sources and placed before us. We expect that in future this will not happen and the officer will collect all the information and submit full information to the concerned Advocate. It is also expected that the learned Advocate appearing in the matter must seek a complete information in the matter involved herein.

Mr. D.D. Bhutia, Addl. Chief Engineer, Roads and Bridges Dept., Govt. of Sikkim, is appointed as Court Commissioner in person. He is directed to collect all the information as required by the Court and submit it in detail on the next date of hearing.

It is further directed that Mr. Bhutia shall remain present in the Court as Court Commissioner on all the dates of hearing.

It is stated in the affidavit dated 21.02.2018 filed by the General Manager, NHIDCL that the construction work would start from the month of March, 2018. Two weeks' time is granted to the NHIDCL to submit the latest status report of the construction/repair of road at Indira Bye Pass.

Call on 23.04.2018.

Judge
05.04.2018

Chief Justice
05.04.2018

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