

High Court of Sikkim

Record of proceedings

WP(PIL) No.06 of 2016

Nim Chogyal Lepcha and Another

Petitioner (s)

VERSUS

State of Sikkim and Others

Respondent (s)

Date : 17-09-2018

CORAM :

**THE HON'BLE ACTING CHIEF JUSTICE
MRS. JUSTICE MEENAKSHI MADAN RAI
THE HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE**

For Petitioner (s)

Ms. Gita Bista, Advocate as Amicus Curiae.

For Respondent (s)

R-1 & R-2

Mr. Thinlay Dorjee Bhutia, Senior Government Advocate.
Mr. S. K. Chettri, Assistant Government Advocate.
Mrs. Pollin Rai, Assistant Government Advocate.

R-3

Mr. Karma Thinlay, Central Government Counsel.

ORDER

Rai, ACJ

Seen the status report dated 14-09-2018 filed by the Respondent No.3 (NHIDCL). It is submitted therein that the NHIDCL is facing problems pertaining to shifting of utility during excavation of the drain works. Although the concerned Departments, i.e., the Water Security & Public Health Engineering Department and the Energy and Power Department of the Government of Sikkim, have been requested several times, no action has been initiated. Inspection was conducted by the District Collector, East Sikkim but steps are yet awaited in this regard. That, demands are being made by the local youth of the

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area from the contractor with threats of the work being stopped, hence the requirement for police protection. It is further submitted that a Hot Mix Plant and Crusher Plant are required to be installed by the contractor at the Indira Bypass road, for which necessary steps are to be taken by the District Administration and the State Pollution Control Board, Sikkim towards allocation of proper land for installation of the above Plants.

Learned Amicus Curiae submits that the above Departments be impleaded as parties to ensure early implementation of the work.

Considered.

The work was awarded to the contractor on 28-03-2018, till date the progress made is only with 2 kms. In view of the snail's pace at which the work is progressing, it is indeed essential to implead the following parties in the instant Writ Petition.

Issue Notice to —

- (i) The Additional Chief Secretary, Home Department, Government of Sikkim;
- (ii) The Principal Chief Engineer-cum-Secretary, Water Security & Public Health Engineering Department, Government of Sikkim.
- (iii) The Principal Chief Engineer-cum-Secretary, Energy and Power Department, Government of Sikkim.
- (iv) The Principal Chief Engineer-cum-Secretary, Water Resource & River Development Department, Government of Sikkim.
- (v) The Member Secretary, State Pollution Control Board - Sikkim, Government of Sikkim.

Mr. Thinlay Dorjee Bhutia, Government Advocate accepts Notice on behalf of the above-mentioned Government Departments and waives formal Notice.

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List on 29-10-2018 for reply, if any, on behalf of the newly
impleaded parties.

Judge
17-09-2018

Acting Chief Justice
17-09-2018

Index : ~~Yes~~/No

Internet : Yes/~~No~~

ds/jk/avi