

WP (PIL) No. 06/2016
Nim Chogyal Lepcha & Anr. vs. State of Sikkim & Anr.

BEFORE
MR. JUSTICE SATISH K. AGNIHOTRI, CJ. &
MRS. JUSTICE MEENAKSHI MADAN RAI, J.

08. 28.04.17 Present: Mr. Pema Ongchu Bhutia and Mr. Sunil Rai,
Advocates for the Petitioners.

Mr. J.B. Pradhan, Add. Advocate General with Mr. Karma Thinlay, Sr. Govt. Advocate, Mr. S.K. Chettri and Ms. Pollin Rai, Assistant Government Advocates for the State-Respondents.

Mr. Dorjee Dadul Bhutia, Addl. Chief Engineer and Mr. Binod Hang Subba, Divisional Engineer, Roads and Bridges Department.

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The issue involved in the present writ petition is up-gradation and strengthening of Ranka - Sichey Road for a total length of 10.21 KMs. It is well settled that with the development of law, right to access is regarded as a fundamental right conferred on the people living in and around the area, who have been struggling for the last six years to get proper accessible roads in the concerned area.

As noted in previous proceedings that the work order was issued on 20.05.2011, specifying the time of contract as eighteen months. Eighteen months have elapsed long back. Thereafter, the period of contract was extended time and again. It is sad to state that even after a period of about six years, only a portion of total length to the extent of 3.250 KMs alone could be upgraded and repaired.

Notwithstanding the liberty granted earlier to explain the reasons for such an inordinate delay, no progress has been shown in this respect. The affidavits filed earlier by the Senior Officers are unsatisfactory, while the work is at snail's pace, which is beyond one's comprehension.

Yesterday, we gave time to seek instructions, as to when and by what date the road will be completed.

On considering the time sought for by the State, we are inclined to grant 50 days time to complete the work and submit a report by 17.06.2017, failing which the court may be constrained to take appropriate necessary action.

The Chief Engineer is expected to be present on the next date of hearing.

Call on 19.06.2017.

Judge
28.04.2017

Chief Justice
28.04.2017

avi/ds **Index : Yes / No**
 Internet : Yes / No