

WP(PIL) No. 09/2016
PIPON & GAMBOS OF LACHEN DZOMSA vs. SECRETARY,
MINISTRY OF DEFENCE

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

07. 01.05.17 Present: Mr. B.R. Pradhan, Sr. Advocate with Ms. Tshering
(Agnihotri, CJ) Palmoo Bhutia, Advocate on behalf of Mr. Bhushan
Nepal, Advocate as '*Amicus Curiae*' for the
petitioners.

Mr. J.B. Pradhan, Addl. Advocate General with Mr.
S.K. Chettri and Ms. Pollin Rai, Asstt. Govt.
Advocates for Respondent No. 1.

Mr. Karma Thinlay, Central Govt. Advocate with Mr.
Thinlay Dorjee Bhutia, Advocate for Respondents No.
2, 3 and 4.

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In the instant matter, as stated earlier that the
High Court, while disposing of the Public Interest
Litigation being *W.P. (PIL) No. 17 of 2012 (Public of
Lachen vs. Chief Secretary, Government of Sikkim &
ors.)*, passed the following directions on
17.09.2014:-

- “(i) The respondents-State will write a letter within a
period of two weeks from today, to respondent-
Army to make the payment of remaining 50% of
the hiring charges to the occupier of the land.
- (ii) The respondents-Army will consider and make
the payment as per letter of the State
Government to the occupier of the land, as early
as possible, but not later than a period of three
months from the date of receipt of the letter from
the State Government.
- (iii) Respondents-State will specifically clarify that
occupier of land will be entitled to 50% of hiring
charges from the date of taking actual possession
of their land, details of which have been
furnished in this Court.
- (iv) So far as interest on delayed payment of amount
and enhancement of hiring charge are concerned,
it will be open for the individual petitioner to
agitate the matter before appropriate forum, in
accordance with law.

- (v) The respondents will take necessary steps in respect of acquisition of land in dispute, in accordance with law, as early as possible. It is needless to mention that soon after completion of acquisition proceedings, the compensation in respect of land will be paid to landowners in accordance with law."

Despite a clear direction, we are informed that the officers are not complying with the orders. The State Government has filed an affidavit submitting that all necessary steps have been taken, but there is lack of response on the part of Mr. Shobik Majumder, Principal Director, Defence Estates, Directorate of Defence Estates, Eastern Command, Govt. of India, Ministry of Defence, 13, Camac Street (7th Floor), Kolkata-700017 as well as Mr. Deepak Mohan, Defence Estates Officer, Siliguri Circle, Siliguri-734 001.

We have examined the relevant documents and also considered the submissions made by Mr. Karma Thinlay, learned Central Government Advocate. Apparently it is noticed that the above named officers are not paying any heed to the order of this Court dated 17.09.2014 and as such they are directed to be present in person in the Court to explain as to why appropriate proceedings may not be initiated for not obeying the order dated 17.09.2014.

Call on 23.05.2017.

Judge
01.05.2017

Chief Justice
01.05.2017

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