

HIGH COURT OF SIKKIM

Record of Proceedings

WP(PIL) No. 09/2016

IN RE.- PIPON AND GAMBOS OF LACHEN DZOMSA

Date: 18/06/2018

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI

For Petitioner (s) : Mr. Zangpo Shgerpa, Ms. Aruna Chhetri
and Mr. Bhusan Nepal, Advocates as
Amici Curiae.

For Respondent (s)
For R-1 : Mr. Thinlay Dorjee Bhutia, Govt.
Advocate with Mr. S.K. Chettri and Ms.
Pollin Rai, Asstt. Govt. Advocates and
Ms. Rshni Chhetri, Legal Retainer, LR &
DM Dept.

For R-2, R-3 & R-4 : Mr. Karma Thinlay, Central Govt.
Advocate.

...

It is stated that 105.4545 hectares of land is found owned by the private owners. It is further stated that land assessment has been done by the District Collector, North Sikkim, in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short "the Act of 2013"). The assessment done by the District Collector, North Sikkim, was already forwarded to the Ministry of Defence. Col, Dir Land (North & East), in his communication dated 15th June 2018, which is produced before us, has noted that the cost of acquisition of the land in question is too high.

On consideration, we find that the determination of land cost in terms of the Act of 2013 is just and proper and asking for reduction will be to the disadvantage of the land owners who are

HIGH COURT OF SIKKIM

Record of Proceedings

Court No. 1

entitled to proper resettlement and rehabilitation with just compensation under the statutory provisions.

Thus, there is no reason to reduce the cost of land.

Call on 20.07.2018 to enable the Respondents to file an affidavit of compliance of the directions passed by this Court earlier.

Judge

18.06.2018

Chief Justice

18.06.2018

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