

IN THE HIGH COURT OF SIKKIM

ORDER SHEET

Writ Petition (C)No. 14 of 2006


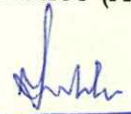
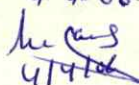
Subhash Kumar PradhanPetitioner/Applicant
Versus

State of SikkimRespondents

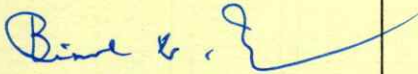
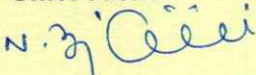
Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
01.	31.03.06	<p>Heard Mr. S. S. Hamal, Id. counsel for the petitioner.</p> <p>Let a notice be issued upon the respondents, which is made returnable on 02-05-2006. No formal notice is called for in respect of State-respondent No.1 as Mr. Karma Thinlay, Id. Government counsel accepts notice on behalf of State-respondent. The petitioner is required to take steps for service of notice upon the respondent No.2 within 3 (three) days from today.</p> <p>By virtue of this Court's order dated 15-09-2004 passed in Writ Petition (C) No. 32 of 2004, the status quo as on that day in respect of the shop, in question, under Trade Licence No. Rani/PII/23 dated 04-05-1992 was maintained till the disposal of the application of the respondent No.2 for grant of Trade Licence as seen in the document marked as Annexure-II to the writ petition. The application of the respondent No.2 was finally disposed of on 20-07-2005, thus directing the respondent No.2 to close down the shop with immediate effect vide, Government Order/Letter No.6374/UD & HD dated 20-07-2005 as seen in the document marked as Annexure-IX to the writ petition, but, the respondent No.2 is still running and operating her business of grocery, manihari, stationary, provisional goods and</p>	<p>Requeste filed on 3-4-06 and notice issued upon respd on 4-4-06 hucas 4/4/06</p> <p>Notice served upon respd. No. 2. AD Card recd. back. hucas 29/4/06</p>

hucas



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		<p>lottery in the said shop/house premises of the present writ petitioner as on today without Trade Licence. According to us, it is a failure on the part of the authority concerned to perform their lawful duties conferred upon them by law and also it is very unfortunate affairs. This observation should be kept in mind of the authority concerned. In such circumstances, we sprang up our arms to give/do substantial justice to the needy and the righteous citizens like the present writ petitioner who has no alternative, but to approach this Court. Accordingly, we made the following ad-interim order and direction:-</p> <p>The respondent No.2 shall comply with the Office Order/Letter dated 20-07-2005 of the Government of Sikkim as in Annexure-IX to the writ petition pertaining to close down of the shop within a week from today and apart from that the respondents authority shall implement the Office Order/Letter dated 20-07-2005 as in Annexure-IX in accordance with law within the stipulated period of one week from today without fail.</p> <p>Liberty is also granted to the respondent No.2 to approach this Court for modification, alteration and cancellation of this order, if so advised.</p> <p style="text-align: center;">  (N.S. Singh) Chief Justice (Acting) </p> <p style="text-align: center;">  (A. P. Subba) Judge </p>	<p>A copy of order forwarded to Secy, UDHD on 4.4.06.  4/4/06</p>



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02.	02.05.06	<p>Mr. S.S. Hamal, learned Counsel appearing on behalf of the Petitioner states that as the Petitioner has got reliefs, thus, this Writ Petition has become infructuous <i>and thereby shall not be pressed.</i></p> <p>It stands disposed of accordingly..</p> <p style="text-align: right;">  (Binod Kumar Roy) Chief Justice </p> <p style="text-align: right;">  (N.S. Singh) Judge </p>	