

**W.P. (C) No.05 of 2020**

P. K. PRADHAN

...PETITIONER

VERSUS

STATE OF SIKKIM AND ORS.

...RESPONDENTS

**Date: 13.10.2020**

**CORAM:**

**HON'BLE MR. JUSTICE ARUP KUMAR GOSWAMI, CHIEF JUSTICE**

...

Heard Mr. S. S. Hamal, learned Counsel assisted by Ms. Sabina Chettri, appearing for the petitioner.

Also heard Mr. Sudesh Joshi, learned Additional Advocate General, Sikkim, along with Mr. Sujan Sunwar, appearing for respondent nos. 1 to 4 and Mr. Jorgay Namka, learned Counsel, appearing for respondent nos.5 and 6.

In this petition under Article 227 of the Constitution of India, order dated 14.02.2020 passed by the Secretary, Land Revenue and Disaster Management Department, Government of Sikkim in Appeal Case No.09/2018 is assailed.

A question having arisen as to whether the present petition under Article 227 of the Constitution of India is maintainable bearing in mind the challenge made, Mr. Hamal submits that the challenge made in this petition can be appropriately considered in an application under Article 226 of the Constitution of India and, accordingly, he prays that he may be permitted to withdraw this petition with a liberty to file a writ petition under Article 226 of the Constitution of India.

Mr Joshi and Mr. Namka, learned Counsel appearing for the respondents do not have objection to the prayer made by Mr. Hamal.

**HIGH COURT OF SIKKIM**  
**Record of Proceedings through Video Conferencing**

Accordingly, this petition is disposed of granting liberty to the petitioner, as prayed for.

pm/

**Chief Justice**