

W.P. (C) No.10 of 2019

KARMA THUPDEN CHOPEL BHUTIA AND ANR. ...PETITIONERS

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 along with Ms. Sabina Chettri, appearing for the petitioners.

Also heard Dr. Doma T. Bhutia, learned Additional Advocate General, Sikkim along with Mr. S. K. Chettri, learned State Counsel appearing for respondent nos.1, 2 and 3, and Mr. Ajay Rathi, learned Counsel appearing for respondent no.4.

In this petition under Article 227 of the Constitution of India, order dated 27.10.2018 passed by the District Collector-cum-Magistrate, North District in Misc. Case No.08/2018 and order dated 22.03.2019 passed by the Secretary, Land Revenue and Disaster Management Department, Government of Sikkim in Appeal Case No.09/2018 are 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 challenges made, Mr. Hamal submits that the challenges 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.

HIGH COURT OF SIKKIM
Record of Proceedings through Video Conferencing

Dr. Doma T. Bhutia and Mr. Ajay Rathi, learned Counsel appearing for the respondents do not have objection to the prayer made by Mr. Hamal.

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

pm/

Chief Justice