

HIGH COURT OF SIKKIM

Record of proceedings

W.P. (C) No. 20 of 2021

SMT. PEMA DOMA BHUTIA & ORS.

.... PETITIONERS

VERSUS

THE SECRETARY, TOURISM & CIVIL AVIATION
DEPARTMENT & ORS.

.... RESPONDENTS

Date: 20.12.2022

CORAM

HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, J.

For Petitioners : Mr. Jorgay Namka, Senior Advocate with
Mr. Simeon Subba, Advocate.
Ms. Adeshna Subba, Advocate.

For Respondent : Mr. Thinlay Dorjee Bhutia, Government Advocate.
Nos. 1, 3 & 4.

For Respondent : Mr. Bhupendra Giri, Advocate.
No. 2.

For Respondent : None.
No.5.

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The only issue subsisting in the present writ petition is with regard to the compensation which may be granted to the petitioners for the forceful user of the petitioners property and their claim for damages, if any, on such user. The learned Government Advocate on instructions received submits that this issue can be decided under the Sikkim Greenfield Airport, Pakyong (Settlement of Claims for Loss and Damages) Act, 2018. However, on a query it is stated that the Claims Commissioner has not yet been appointed but is likely to be appointed within a month. The learned Senior Counsel representing the petitioners fairly submit that if the Claims Commissioner is appointed within a month they would have no hesitation in approaching the Claims Commissioner to ventilate their grievances.

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In view of the submissions made, the writ petition is disposed with the direction that the petitioners may agitate the issue of compensation and damages raised in the writ petition before the Claims Commissioner once it is appointed. It is hoped that the Claims Commissioner be appointed within a period of one month as assured by the learned Government Advocate under instructions. The pending application shall also stands disposed.

Judge