



# THE HIGH COURT OF SIKKIM: GANGTOK

(Civil Extra-Ordinary Jurisdiction)

SINGLE BENCH: THE HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE

## W.P. (C) No. 29 of 2024

Smt. Kimti Subba,  
Wife of Shri Shyam Kumar Rai,  
Permanent Resident of: Shantinagar,  
Singtam-737134,  
District Gangtok, Sikkim.

..... **Petitioner**

### Versus

1. State of Sikkim,  
Through the Chief Secretary,  
Tashiling Secretariat,  
Gangtok, Sikkim,  
Pin Code: 737 101.
2. The Secretary,  
Forest & Environment Department,  
Government of Sikkim,  
Deorali, Gangtok, Sikkim,  
Pin Code: 737 102.
3. Divisional Forest Officer,  
Gangtok Territorial Division,  
Forest & Environment Department,  
Division Office,  
Paljor Stadium Road,  
Pin Code: 737 101.
4. Assistant Conservator of Forest,  
Survey & Demarcation Division,  
Forest & Environment Department,  
Government of Sikkim,  
Deorali, Gangtok-737 102.
5. Divisional Forest Officer,  
Survey & Demarcation Division,  
Forest & Environment Department,  
Government of Sikkim,  
Deorali, Gangtok-737 102.

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6. Range Officer (T),  
Singtam Range,  
Forest & Environment Department,  
Government of Sikkim,  
Singtam, District Gangtok,  
Pin Code: 737 134.

..... **Respondents**

**Application under Article 226 of the Constitution of  
India.**

**Appearance:**

Mr. Sudesh Joshi, Mr. Uma Shankar Sarda and Ms.  
Gazala Parvin, Advocates for the petitioner.

Mr. Thinlay Dorjee Bhutia and Mr. Shakil Raj Karki,  
Government Advocates for the Respondents.

Date of Hearing : 13.08.2024


Date of Order : 13.08.2024

**ORDER (ORAL)**

**Bhaskar Raj Pradhan, J.**

1. The present writ petition has been filed challenging  
three communications by the respondents:-

- (i) Letter bearing reference No.380/GD/F&ED dated  
20.06.2024 issued by the Divisional Forest Officer  
for joint inspection of the land of the petitioner.
- (ii) Letter bearing reference No.GOS/F&ED/S&D/427  
dated 21.06.2024 issued by the Assistant  
Conservator of Forest, Survey & Demarcation  
Division, Forest & Environment Department, by  
which the petitioner was informed about joint  
inspection to be conducted on 29.06.2024.



(iii) Letter bearing reference No. GOS/F&ED/GD/420 dated 17.07.2024 issued by the Assistant Conservator of Forest once again intimating about the joint inspection of the petitioner's land on 26.07.2024.

**2.** The petitioner is aggrieved by the fact that although the communications challenged in the present writ petition refers to a complaint received from the villagers as well as the sketch map copies were not furnished to the petitioner. The petitioner is further aggrieved by the respondents not granting sufficient time for joint inspection.

**3.** Although in the writ petition the petitioner had not furnished any document to prima facie show that the petitioner was the owner of the concerned land vide Interim Application No.02/2024 a sale deed as well as a parcha khatiyani has been filed. The same are taken on record and the application is allowed.

**4.** The learned Government Advocate representing the respondents fairly submit that copies of the documents mentioned in the impugned communications would be furnished to the learned Counsel for the petitioner within one week.

**5.** The impugned communications are all communications seeking joint inspection of the concerned land. From these communications what is apparent is that attempts have been made by the respondents to verify the extent of land of the petitioner and whether there has been only encroachment of Government land based on the complaint received. Joint inspection, after all the relevant documents referred to in these communications are provided to the petitioner, would lead to confirming the ownership of the concerned property of the petitioner and whether there has been any encroachment beyond the ownership. That should not prejudice the petitioner.

**6.** In view of the same, one week's time is granted to the respondents to provide the relevant documents to the petitioner pursuant to which a joint inspection may be conducted as per law giving substantial time to the petitioner to make necessary arrangement to be present during the joint inspection. Noting further is required to be adjudicated at this stage in this case.

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7. The Writ Petition (C) No. 29 of 2024 stands disposed of accordingly along with the pending application.

**( Bhaskar Raj Pradhan )  
Judge**

Internet :**Yes/No**  
to