

HIGH COURT OF SIKKIM
Record of proceedings

I.A. No. 04 of 2023
Arising out of W. P. (C) No.39 of 2021

RAJENDRA ROY PETITIONER

VERSUS

STATE OF SIKKIM & ORS. RESPONDENTS

Date: 20.10.2023

CORAM :

HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE

For Petitioner : Mr. Ranjit Prasad, Advocate.
For Respondent No.1 : Dr. Doma T. Bhutia, Additional
Advocate General with
Mr. S. K. Chettri, Government
Advocate.
For Respondent : Mr. Hissey Gyaltzen, Advocate.
No.2.
For Respondent : Mr. Karma Thinlay, Senior Advocate
Nos. 3 to 6. with Mr. Yashir N. Tamang and Mr.
Zamyang Norbu Bhutia, Advocates.

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1. An application for clarification of Order dated 09.08.2023 passed by this Court in W.P. (C) No. 39 of 2021 finally disposing of the writ petition as infructuous has been filed by the applicants who were respondent nos. 3 to 6 in the W.P. (C) No. 39 of 2021.

2. According to the applicants vide Order dated 22.11.2021 passed in I.A. No. 01 of 2021 in the writ petition this Court had granted stay of suspension of license and permitted the petitioner to continue the trade in any free space in the Lall Bazaar road without causing any hindrance to anyone and directed respondent no.2 to designate a free space in Lall Bazaar road to the petitioner for the said purpose. Pursuant to the said order the petitioner was relocated within Lall Bazaar area where he continued to do his business.

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3. Subsequently, the hawkers' license of the petitioner was renewed by the Gangtok Municipal Corporation which led to this Court holding that the writ petition had become infructuous.

4. The applicants now alleged that thereafter, the petitioner has returned to the same spot which continues hindering the business of the applicants.

5. It is submitted that the interim Order dated 22.11.2021 ought to be read harmoniously with the order dated 09.08.2023 disposing of the writ petition. It is thus submitted that a clarification is necessary of the Order dated 09.08.2023 as to whether the disposal of the writ petition give the petitioner the right to carry on his business from his earlier place where from he was relocated.

6. The disposal of the writ petition vide Order dated 09.08.2023 has brought an end the *lis* in the writ petition and the interim order passed therein merged with it. The Order dated 09.08.2023 was passed in the presence of all the parties including the present applicants. The Order dated 09.08.2023 is clear and requires no clarification as sought for by the applicants.

7. Accordingly, the application is dismissed.

Judge