

**HIGH COURT OF SIKKIM : GANGTOK**  
Record of Proceedings

**I.A. NO. 01/2024**

**Arising out of**

**W.P.(C) No. 46/2023**

CHEWANG DORJEE BHUTIA

APPLICANT(S)

VERSUS

THE SECRETARY, LAND REVENUE  
DEPARTMENT AND ORS.

RESPONDENT (S)

For Applicant : Mr. Lahang Limboo, Mr. Avinash Dewan and Ms. Rinchen Ongmu Bhutia, Advocates.

For Respondents No. 1 to 3 : Mr. Shakil Raj Karki, Government Advocate.

For Respondent No. 4 : Ms. Gita Bista, Ms. Pratikcha Gurung and Mr. Dipendra Chettri, Advocates.

**Date: 04/07/2024**

**CORAM :**

**HON'BLE MR. JUSTICE BISWANATH SOMADDER, CHIEF JUSTICE**

...

**ORDER**

This is an interlocutory application in respect of a disposed of writ petition, being WP(C) No.46/2023. By a judgment and order dated 08<sup>th</sup> December, 2023, the writ petition was disposed of with the following observations/directions:-

*"In such circumstances, this Court is of the view that purely on the basic ground of violation of the principles of natural justice, the impugned order dated 02<sup>nd</sup> June, 2023, passed by the appellate authority, is liable to be set aside and is accordingly set aside. The statutory appellate authority shall hear out the appeal application dated 11<sup>th</sup> April, 2023, afresh, after giving adequate opportunity of hearing to all concerned including the writ petitioner and the private respondent no.4, strictly in accordance with law. The statutory appellate authority shall dispose of the appeal as expeditiously as possible, preferably within a period of three (03) months but not later than four (04) months from the date of communication of this order.*

*Since no affidavits have been called for, allegations made in the writ petition are deemed to be not admitted by the respondents.*

*The writ petition, being W.P.(C) No.46 of 2023, is accordingly disposed of."*

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Consequently, it appears that the statutory appellate authority passed a final order on 20<sup>th</sup> March, 2024, upholding the order dated 02<sup>nd</sup> March, 2023, passed by the District Collector at Namchi.

Now in the present interlocutory application, this final order dated 20<sup>th</sup> March, 2024, passed by the statutory appellate authority, namely, the L.R, & DMD, Gangtok, is the subject matter of challenge. On the face of it, the present interlocutory application is patently misconceived and not maintainable. The applicant cannot challenge the final order dated 20<sup>th</sup> March, 2024, passed by the statutory appellate authority in a disposed of writ petition, since it was on the basis of and pursuant to the judgment and order dated 08<sup>th</sup> December, 2023, that the final order was passed.

On this ground alone, the interlocutory application, being I.A No.01/2024, arising out in WP(C) No.46/2023, is liable to be summarily dismissed and stands accordingly dismissed.

**(Biswanath Somadder)**  
**Chief Justice**