

THE HIGH COURT OF SIKKIM : GANGTOK
(Criminal Extraordinary Jurisdiction)

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

W.P. (CrI.) No.01 of 2020

1. Krishna Kumari Chettri,
W/o Bishnu Lall Chettri,
R/o Rorathang Bazar,
East Sikkim.
2. Sanjay Chettri,
S/o Bishnu Lall Chettri,
R/o Rorathang Bazar,
East Sikkim. Petitioners

Versus

1. State of Sikkim,
Represented by and through
The Chief Secretary,
Government of Sikkim,
Gangtok, East Sikkim.
2. District Collector (East)/Chairperson,
District Disaster Management Authority,
District Collectorate Office,
Gangtok, East Sikkim.
3. Sub Divisional Magistrate,
Government of Sikkim,
Rangpo, East Sikkim.
4. The Station House Officer, (SHO),
Rangpo, Police Station,
Rangpo, East Sikkim.Respondents

**Application under Article 226/227 of the Constitution of
India.**

Appearance:

Mr. Sabyasachi Chatterjee, Advocate and Mr.
Navin Kiran Pradhan, Advocate for the
Petitioners.

Dr.Doma T. Bhutia, Additional Advocate General,
Mr. S.K. Chettri, Government Advocate and Ms.
Pema Bhutia, Assistant Government Advocate for
the State-respondents.

Date: 27.09.2021

ORDER (ORAL)

Bhaskar Raj Pradhan, J.

1. The petitioners has preferred the present writ petition against the State-respondents seeking various reliefs. They were aggrieved by the impugned order dated 23.05.2020 issued under the signature of the respondent no.2 alleging violation of prohibitory orders and directives and non-compliance of the Standard Operating Procedure for social distancing in the Body Vibes Gym, Rangpo Bazar run by the petitioners. The impugned order, in purported exercise of the powers conferred under Section 51(b) of the Disaster Management Act, 2005 (the Act) read with Section 3 (b) of the Sikkim Public Health and Safety (Covid-19) Regulations, 2020 directed the sealing of the said premise.
2. On 17.06.2020 the respondent no.2 issued another impugned order under Section 51 of the Act directing the respondent no.3 to register a case against the Body Vibes Gym as per the provisions of Section 51(b) of the Act.

Pursuant thereto First Information Report (FIR) No. 20 of 20 dated 20.06.2020 was registered at the Rangpo police station under Section 188 of the Indian Penal Code, 1860 (IPC). Both these orders as well as the FIR have been challenged in the present writ petition.

3. On 17.09.2020, I.A. No. 01 of 2020 preferred by the petitioners was heard by this court. Pursuant thereto the impugned order dated 23.05.2020 was stayed. On so doing Body Vibes Gym was de-sealed and it started its activities.

4. At the outset the learned Additional Advocate General fairly submits that due to the change in the present COVID-19 situation and the lockdown conditions being lifted the running of the Body Vibes Gym is no longer an issue. She further submits that the State authorities are not pursuing the impugned orders and the FIR against the proprietor of the Body Vibes Gym of the Rangpo Bazar.

5. In view of the assurance given by the learned Additional Advocate General Mr. Sabyasachi Chatterjee, learned counsel for the petitioners submits that there is no need to pursue the writ petition further.

6. Taking cognizance of the categorical statement of the learned Additional Advocate General this court directs that the State authorities shall not pursue the impugned orders

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and close the files relating to them as well as FIR No. 20 of 2020 lodged on 20.06.2020 under Section 188 IPC against the proprietor of Body Vibes Gym, Rangpo Bazar at the Rangpo police station.

7. The writ petition stands disposed accordingly.

(Bhaskar Raj Pradhan)
Judge

Approved for reporting : **Yes**
Internet : **Yes**
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