

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

**IA No.06/2025**  
**IN**  
**WP (PIL) No. 01/2024**

MANI KUMAR SUBBA

PETITIONER (S)

VERSUS

STATE OF SIKKIM & ORS.

RESPONDENT (S)

- For Petitioner : Mr. Yam Kumar Subba and Mr. Mukkum Hang Limboo, Advocates.
- For Respondent nos. 1, 2 and 3 : Mr. Zangpo Sherpa, Additional Advocate General with Mr. S.K. Chettri, Government Advocate.
- For Respondent no.6 : Mr. Shakil Raj Karki, Government Advocate.
- For Respondent nos. 5 and 7 : Mr. Anubhav Sinha, Mr. Akshaya Babu. V and Mr. Rinzing Dorjee Tamang, Advocates.
- For Respondent no.8 : Mr. Sudhir Prasad, Advocate.
- For Respondent nos. 9, 10 and 11 : Ms. Sangita Pradhan, Deputy Solicitor General of India assisted by Ms. Sittal Balmiki and Ms. Natasha Pradhan, Advocates.
- For Respondent nos. 12 and 13 : None.

**Date: 03/04/2025**

**CORAM:**

**HON'BLE MR. JUSTICE BISWANATH SOMADDER, CHIEF JUSTICE**  
**HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE**

...

**ORDER : (per the Hon'ble, the Chief Justice)**

This is an application taken out by the writ petitioner (Mani Kumar Subba) on 02<sup>nd</sup> April, 2025, praying *inter alia* for adjournment of the writ petition, being WP(PIL) No. 01/2024, for a period of two weeks from this date (03<sup>rd</sup> April, 2025). The reasons in support of his adjournment application appear in paragraph 5 to paragraph 9 of the application, which are set out hereinbelow:-

“

.....

5. That however, vide Order dated 12.12.2024, this Hon'ble Court was pleased to dismiss both the Interlocutory Application being I.A. No. 3 of 2024 and I.A. No. 4/2024.
6. That the Petitioner against the Order dated 12.12.2024 has preferred a Special Leave Petition before the Hon'ble Supreme Court of India being SLP (Civil) Diary No. 15942/2025, which was listed on 01.04.2025 as item No. 68, before Court No. 9 of the Hon'ble Supreme Court of India.

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7. That however, on 01.04.2025, the SLP preferred by the Petitioner herein was not taken up by the Hon'ble Court due to paucity of time, and the said petition has been directed to be listed next week and is currently shown to be listed tentatively on 15.04.2025, as per the Case Status available on the website of the Hon'ble Supreme Court of India. Annexed hereto and marked as **Annexure A-1** is the copy of the Case Status printed from the website of the Hon'ble Supreme Court of India.
8. That the present Application has been necessitated as the adjudication of SLP (Civil) Diary No. 15942/2025 has a direct effect on the outcome and for proper adjudication of the present Writ Petition. It is therefore, humbly prayed that pending the hearing of SLP (Civil) Diary No. 15942/2025 by the Hon'ble Supreme Court of India, the present Writ Petition be adjourned.
9. That if the relief as sought for in the present Application is not granted then grave and irreparable harm would be caused to the Petitioner herein and would render SLP (Civil) Diary No. 15942/2025 preferred by the Petitioner herein as infructuous.  
....."

We now go back to our last two orders. The first of the two orders is dated 04<sup>th</sup> March, 2025, which reads as follows:-

" When the matter is taken up for hearing, the learned Advocate appearing on behalf of the petitioner submits that he has been instructed by his client, Mani Kumar Subba, to pray for an adjournment so that a senior counsel can be engaged to represent his client.

This matter was last heard on 12th December, 2024. Today, we are on 04th March, 2025. In-between, a period of almost three (03) months have elapsed. If the petitioner was serious in engaging a learned senior counsel, he could have done the same within this period of almost three (03) months. The Court's time is precious and to grant an adjournment on this flimsy ground sends a wrong signal to all those who are seeking justice from this Court. In that view of the matter, subject to payment of exemplary cost assessed at Rs.50,000/- (Rupees fifty thousand only), which shall be deposited with the Sikkim State Legal Services Authority within a period of forty-eight (48) hours, this matter shall stand adjourned for a fortnight.

In default of compliance of above direction, the instant petition shall stand automatically dismissed.

At this juncture, the learned Advocate representing the writ petitioner submits that the costs imposed by this Court may be reduced to Rs.20,000/- (Rupees twenty thousand only). Considering the prayer of the learned Advocate for the petitioner, costs stands reduced to Rs.20,000/- (Rupees twenty thousand only)."

Thereafter, the last order in this matter was passed on 18<sup>th</sup> March, 2025, which reads as follows:-

" Pursuant to our last order dated 04th March, 2025, costs imposed by this Court has been paid in cash to the Deputy Secretary, Sikkim State Legal Services Authority, Gangtok. This has been stated in an affidavit of compliance filed by the writ petitioner on 13th March, 2025.

We also notice that on the same date (13th March, 2025), an application for adjournment has been filed on behalf of the writ petitioner. In this application, the petitioner has stated that he is

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unable to engage a Senior Counsel from the State of Sikkim as the Senior Counsel approached by the petitioner have a conflict of interest in the matter. It has also been stated by the petitioner that he is facing financial constraints making it difficult to engage a Senior Counsel from outside Sikkim, at present. In light of the above statements made by the petitioner, he has prayed for a grant of adjournment for six (06) weeks to engage a Senior Counsel and make necessary arrangements for representation.

In our last order dated 04th March, 2025, we had specifically stated that the Court's time is precious and to grant an adjournment on such flimsy ground sends a wrong signal to all those who are seeking justice from this Court. It was under such circumstances, we had imposed exemplary cost.

It is now submitted by the learned Advocate appearing on behalf of the petitioner that any adjournment granted by this Court will not cause prejudice to the respondents appearing in the matter. This submission of the learned Advocate is utterly preposterous. Simply because an adjournment will not be objected to by the respondents — a lis can be kept alive in perpetuity — is a complete lack of understanding of how Courts are required to carry its business that is brought before it. We have not even asked the respondents whether they are agreeable to an adjournment. The matter was last heard effectively on 12th December, 2024. Today, we are on 18th March, 2025. In-between, a period of more than three months have elapsed. If the petitioner was serious in engaging a learned Senior Counsel from outside Sikkim, he could have done so within this period. This was also our precise observation in the order dated 04th March, 2025. Ordinarily, on this ground alone, the writ petition is liable to be dismissed. Also, the petitioner has not stated as to how he will overcome his financial constraints within a period of six (06) weeks, being the time for adjournment, as prayed for. In such circumstances, purely in the interest of justice, we give one last opportunity to the writ petitioner to be effectively represented before this Court on the next date.

As such, we adjourn the matter for a fortnight hence.

The application, being I.A. No. 5/2025, is accordingly disposed of.”

A bare reading of the two earlier orders of this Court — as reproduced hereinabove — will clearly reveal the tactics adopted by writ petitioner to somehow not have the main matter effectively heard and disposed of even after affidavits have been filed by the respondents. In fact, he does not even make a whisper in I.A. No. 05 of 2025 that he was actually contemplating of filing an SLP against two orders passed by this Court; both dated 12<sup>th</sup> December 2024, passed in IA No. 03/2024 and IA No. 04/2024, respectively, whereby the two interlocutory applications were effectively disposed of. Even more startling is the fact that he has completely suppressed the reasons for seeking adjournments on 04<sup>th</sup> March and 18<sup>th</sup> March, 2025, in the present interlocutory application, i.e., I.A. No. 06/2025.

The SLP was actually filed on 25<sup>th</sup> March, 2025, and verified on 29<sup>th</sup> March, 2025. This appears from the annexure to the present interlocutory application,

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being IA No. 06 of 2025. It is quite evident that the writ petitioner's *bona fides* are suspect. The reason is, on both dates, i.e., on 04<sup>th</sup> March, 2025 and on 18<sup>th</sup> March, 2025, when this Court took up the PIL for consideration on merit, the writ petitioner sought for adjournment primarily on the grounds that a senior counsel could be engaged to represent him and also the fact that he was unable to engage a senior counsel from the State of Sikkim since the senior counsel whom he had approached had a conflict of interest in the matter; further, he (writ petitioner) was facing financial constraints making it difficult to engage a senior counsel from outside Sikkim. It is also now clearly evident that the sole purpose of seeking the last two adjournments before this Court was only to stall for time in order to file the SLP, which the petitioner has referred to in the present interlocutory application.

At this juncture, we need to also take note of the fact that neither has the Hon'ble Supreme Court, till date, taken up the SLP for consideration nor granted any liberty to the writ petitioner to approach this Court for the purpose of seeking an adjournment of the main matter, i.e., WP (PIL) No. 01/2024. It would have been an altogether different proposition had the writ petitioner been able to produce any order of stay from the Hon'ble Supreme Court, restraining us from proceeding with the main writ petition.

Ordinarily, in such facts and circumstances as stated above, this Court would have dismissed the instant interlocutory application praying for adjournment with exemplary cost and proceeded to hear out the main writ petition, which is pending before this Court since 22<sup>nd</sup> February, 2024.

We wish to observe, at this stage, that the facts which have unfolded before this Court also reveal a strange paradox; on one hand litigants pray for early disposal of their *lis* and on the other — as we notice — litigants (such as the writ petitioner), approach this Court with the sole purpose of somehow keeping their *lis* alive in perpetuity, as observed by us in our order dated 18<sup>th</sup> March, 2025, which is reproduced hereinabove.

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Purely in the interest of justice and for the sake of maintaining judicial propriety, we adjourn the writ petition till 24<sup>th</sup> April, 2025, subject to payment of cost assessed at ₹20,000/- (Rupees twenty thousand only) which shall be deposited with the Sikkim State Legal Services Authority within a period of one week from date, so that a deserving litigant of Sikkim can get proper legal aid from the said authority.

The application, being I.A. No. 06/2025, is accordingly disposed of.

**(Meenakshi Madan Rai)**  
**Judge**

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

jk/avi/ami/sl