

HIGH COURT OF SIKKIM
Record of Proceedings through Video Conferencing

WP (PIL) No. 02/2018

IN RE: REMOVAL OF ILLEGAL RELIGIOUS STRUCTURES

For Petitioner : Ms. Manita Pradhan, Amicus Curiae

For Respondents : Mr. Vivek Kohli, Advocate General assisted by
Ms. Y.W. Rinchen, Government Advocate
Mr. Hissey Gyaltsen, Asst. Govt. Advocate

Date: 08/07/2021

CORAM :

HON'BLE MR. JUSTICE JITENDRA KUMAR MAHESHWARI, CJ.
HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, J.

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PER J.K. MAHESHWARI, CJ

This petition has been filed in the public interest for removal of the illegal religious structures. On the basis of the orders of this Court, the Government has formulated a policy on 07.09.2020 which is enclosed with the response and it is notified in the Gazette No. 290 dated 11.09.2020. In furtherance to the said policy, the Home Department, Government of Sikkim, vide letter bearing No. Home/Confdl/112/2018/48/546 dated 29.09.2020 intimated to the District Collectors of four Districts to notify the said policy and to submit the recommendations on the unauthorized religious structures constructed within their respective jurisdiction. The Home Department has issued another letter bearing No. Home/Confdl/112/2018/48/826 dated 27.11.2020 to the District Collectors of the four Districts requesting them to submit the recommendation. It is stated that vide letters dated 13.10.2020, 13.10.2020, 15.02.2021 and 18.02.2021 recommendations/proposals of South District Level Committee, North District Level Committee, East District Level Committee and West District Level Committee respectively have been submitted to the State Government, which are under consideration. All those documents have been produced before this Court.



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In view of the aforesaid, it is urged that the State Government in terms of the policy decision dated 11.09.2020 taking action for removal of the illegal religious structures and as per the recommendations received it will be dealt with by the State Government on case to case basis.

After hearing the learned Advocate General and the learned Amicus Curiae present in the Court and looking to the policy, the recourse as cited by the Government prima facie appears to be just. At this stage suffice to observe that while dealing with the issue on case to case basis and in terms of the policy the State Government shall afford an opportunity to the concerned person and take decision in accordance with law.

With the aforesaid observation, this Public Interest Litigation stands disposed of.

Pending IAs, if any, to be treated as disposed of.

Judge**Chief Justice**

jk/avi

