

(2025) 03 SIK CK 0757
In the Sikkim High Court
Case No : Writ Petition (C) No. 27 Of 2024

Alfred Karthak

APPELLANT

Vs

District Collector-Cum-Chairman & Ors.

RESPONDENT

Date of Decision : 28-03-2025

Acts Referred:

Citation : (2025) 03 SIK CK 0757

Hon'ble Judges : Bhaskar Raj Pradhan, J

Bench : Single Bench

Advocate : B. Sharma, Sajal Sharma, Shreya Sharma, Puja Kumari Singh, Kajal Rai, Shakil Raj Karki, Gita Bista, Pratikcha Gurung

Judgement

Bhaskar Raj Pradhan, J

1. An affidavit dated 26.02.2025 filed on behalf of respondent nos. 1 to 3 and letter dated 25.10.2024 passed by the District Collector are placed on record. Letter bearing Memo No.754/DCG/2024 dated 25.10.2024 is a communication addressed to the petitioner as well as respondent no.4. By this letter the impugned Order dated 03.07.2024 has been withdrawn by the District Collector.

2. The learned Government Advocate submits that in view of this withdrawal the writ petition has become infructuous. The learned Senior Counsel representing the petitioner however, submits that prayer IV of his writ petition is required to be decided. Prayer IV seeks a direction upon respondent nos. 1 and 4 to immediately reconstruct the wall/property already damaged by them. The learned Senior Counsel also points out the various pleadings in the petition in support of this prayer. Counter affidavit has been filed by respondent no.4. However, the State respondents have yet to file their counter affidavit, as they did not think it fit to file the counter affidavit in view of the withdrawal of the Order dated 03.07.2024.

3. This Court is of the considered view that prayer IV needs to be examined. The State respondents may file their counter affidavit with respect to prayer IV only

within two weeks.

4. List thereafter, on 28.05.2025.