

(2023) 02 SIK CK 0051
In the Sikkim High Court
Case No : Writ Petition (C) No. 49 Of 2017

Guru Singh Sabha And Another

APPELLANT

Vs

State Of Sikkim And Others

RESPONDENT

Date of Decision : 27-02-2023

Acts Referred:

Code Of Civil Procedure, 1908 — Section 151

Code Of Civil Procedure, 1908 — Order I Rule 10(2)

Citation : (2023) 02 SIK CK 0051

Hon'ble Judges : Meenakshi Madan Rai, J

Bench : Single Bench

Advocate : A.P.S Ahluwalia, Dr. Navin Barik, S.S Ahluwalia, Sandip Majumdar, Brijinder Singh Loomba, Dr. Doma. T. Bhutia, S. K. Chettri, Pema Bhutia, Sedenla Bhutia, Sonam Palden Tamang, Simeon Subba

Judgement

Meenakshi Madan Rai, J

Learned Senior Counsel Mr. A.P.S Ahluwalia, Senior Advocate is present for the Petitioner No.1 in terms of the last Order of this Court. Learned Additional Advocate General for the State-Respondents seeks to file response to I.A. No.21 of 2022 and I.A. No.22 of 2022.

I.A. No.21 of 2022 is an application filed by Petitioner No.2 under Order I Rule 10(2) read with Section 151 of the Code of Civil Procedure, 1908, seeking deletion of State-Respondent No.5, PCCF-cum-Secretary, Environment & Wildlife Management Department, Government of Sikkim, from the array of Respondents.

The Order of this Court dated 01-12-2018, at Paragraph 17, is indicative of the fact that this Court had allowed the impleadment of the State-Respondent No.5 as a necessary party.

In view of the said Order of this Court, the Petition I.A. No.21 of 2022 cannot be allowed and is accordingly dismissed and disposed of.

Since I.A. No.22 of 2022 puts forth the same grounds as found in the Writ Petition, it shall be heard along with Writ Petition. Learned Additional Advocate General may file response to the said I.A. in the interim, if deemed necessary.

List on 27-04-2023 as found convenient by the parties.