

(2021) 03 SIK CK 0006
In the Sikkim High Court
Case No : Writ Petition (PIL) No. 15 Of 2017

Karma Jigme Dawa

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 02-03-2021

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2021) 03 SIK CK 0006

Hon'ble Judges : Jitendra Kumar Maheshwari, CJ; Bhaskar Raj Pradhan, J

Bench : Division Bench

Advocate : Zangpo Sherpa, Karma Thinlay, Dr. Doma T. Bhutia, Pema Bhutia, Karma Thinlay, Thinlay Dorjee Bhutia, Manish Kumar Jain

Final Decision : Disposed Of

Judgement

J.k. Maheshwari, CJ

This petition under Article 226 of the Constitution of India has been filed seeking various reliefs, one of them is regarding shifting of the 132/66 KV Dikchupool Sub-Station to the another identified place at Samdong.

This Court has passed various orders on various dates and the last order passed on 07.12.2020. By which, on the request made by the learned Senior Counsel, Mr. Karma Thinlay to bring on record the soil testing investigation report by way of an affidavit was directed. Learned counsel has endorsed the soil testing report on an affidavit dated 28.02.2021.

On perusal of the said report, it reveal, initially it was decided that 132/66 KV Dikchupool Sub-Station may be established at Dikchu thereafter, a joint survey was conducted and the report was forwarded to respondent no. 4 for scrutinizing of technical suitability of the aforementioned land. Respondent no. 4 in its turn forwarded the said proposal to the Engineering Department, Gurgaon for the examination regarding technical suitability of the land at Dikchu. The Engineering Department opined that the land at Dikchu is not feasible for establishment of

132/66 KV Dikchupool Sub-Station and requested to shift it on any alternative land. In furtherance thereto steps were taken and it was decided that the land at Samdong Block may be suitable for establishment of 132/66 KV Dikchupool Sub-Station.

The technical report has been produced as per annexure R-1 attaching to this affidavit whereby the recommendations so made makes it clear that the present alternate land location at Samdong Block is suitable for establishment of 132/66 KV Dikchupool Sub-Station.

In view of the aforesaid, the directions as issued by this Court has been complied with and looking to the technical report the present location at Samdong Block is found technically justifiable for establishment of 132/66 KV Dikchupool Sub-Station.

In that view of the matter, we are not inclined now to further interfere in this matter so far as the reliefs regarding acquisition of private land is concerned. The aggrieved person may take recourse of law as permissible, if feel aggrieved. The said issue is not required to be entertained in this Public Interest Litigation, on the instance of the petitioner.

In view of the foregoing, this Public Interest Litigation stands disposed of.