
(2024) 05 SIK CK 0036
In the Sikkim High Court
Case No : Writ Petition (C). No. 33 Of 2022

Pema Chhoda Sherpa & Ors.

APPELLANT

Vs

State Of Sikkim & Ors.

RESPONDENT

Date of Decision : 08-05-2024

Acts Referred:

Citation : (2024) 05 SIK CK 0036

Hon'ble Judges : Bhaskar Raj Pradhan, J

Bench : Single Bench

Advocate : A. Moulik, Ranjit Prasad, Shakil Raj Karki, Sangita Pradhan, Natasha Pradhan

Judgement

Bhaskar Raj Pradhan, J

I.A. No. 01 of 2023

This is an application for placing of additional documents on record filed by the petitioners. It is their contentions that unlike the petitioners the project affected citizens under the other projects in the State of Sikkim are given regular employment by respondent no.4. It is also stated that the petitioners have obtained information through Right to Information (RTI) regarding regular employment given to the project affected citizens by the respondent no.4 in its other projects in the State of Sikkim. They seek to place the same on record and rely upon it at the time of the hearing of the writ petition. This application is contested by the NHPC. It is their contention that these documents are irrelevant documents and could not be considered. This Court is of the view that the information sought to be placed by the petitioners through this application pertains to the issue raised in the writ petition. As such the documents are taken on record. The application is allowed and disposed of.

I.A. No.04 of 2024

This is an application for amendment of the writ petition filed by the petitioners.

The petitioners desire to add certain paragraphs in the writ petition relating to the information which has come to their knowledge after the filing of the writ petition through RTI. Although the learned counsel for the respondent no.4 vehemently objects to the same perusal of the application and concerned paragraphs sought to be incorporated in the writ petition this Court is of the view that it does not change the nature and character of the writ petition. The concerned paragraphs incorporating the facts, the additional grounds and amending one of the prayers may be relevant for proper adjudication of the writ petition. The application is allowed. The petitioners may file the amended writ petition within two weeks from now. Counter affidavit thereafter, within two weeks.

List on 18.06.2024.