

(2022) 08 SIK CK 0012
In the Sikkim High Court
Case No : Writ Petition (C) No. 26 Of 2022

Pema Tenzing Bhutia

APPELLANT

Vs

State Of Sikkim And Ors

RESPONDENT

Date of Decision : 16-08-2022

Acts Referred:

Citation : (2022) 08 SIK CK 0012

Hon'ble Judges : Bhaskar Raj Pradhan, J

Bench : Single Bench

Advocate : Zangpo Sherpa, Sudesh Joshi, Yadev Sharma, Sangita Pradhan, Alishiba Rai

Judgement

Bhaskar Raj Pradhan, J

This writ petition seeks the disbursement of compensation of an amount of Rs.23,76,961.74 along with interest by way of damages till the date of final payment. It is the petitioner's case that the necessary acquisition proceedings have been completed and award passed way back on 15.11.2018. In spite of the same, the respondent no.4 has not made payments to the petitioner as yet.

On 23.06.2022, this Court on hearing the learned counsel for the petitioner issued notice upon the respondents. The learned Assistant Solicitor General appeared for the respondent no.4 on advance notice and accepted notice. As sought for, the respondents were given four weeks' time to file counter-affidavits. The learned Assistant Solicitor General on instructions from her client seeks three months further time to file counter-affidavit on grounds that documents are required to be gathered from different officers in their hierarchy, counter-affidavit prepared and vetted before filing the same.

This Court is not impressed with the grounds. The matter pertains to a singular Award. On the face of it, there seems a purposeful intent to delay the proceedings.

As a last opportunity, subject to payment of costs of Rs.5000/- to the Sikkim State Legal Services Authority, four weeks' further time is granted to the respondent no.4 to file their counter-affidavit, failing which, the Court shall presume that they have nothing to defend their action as alleged in the writ petition and the matter would be proceeded to be heard finally.

List the matter on 28.09.2022.

Proof of payment of costs to the Sikkim State Legal Services Authority shall be filed before the next date.