
(2014) 09 SIK CK 0014
In the Sikkim High Court
Case No : D.B. W.P.(PIL) No. 45 of 2012

Tenchung Lachungpa

APPELLANT

Vs

Chief Secretary

RESPONDENT

Date of Decision : 24-09-2014

Acts Referred:

Citation : (2014) 09 SIK CK 0014

Hon'ble Judges : Narendra Kumar Jain, C.J.;Sunil Kumar Sinha, J

Bench : Division Bench

Advocate : Manish Kr. Jain, Advocate as "Amicus Curiae", Advocate for the Appellant; J.B. Pradhan, Addl. Advocate General with Pollin Rai, Asstt. Govt. Advocate and Karma Thinlay, Central Govt. Advocate with Thinlay Dorjee Bhutia, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

Narendra Kumar Jain, C.J.—Respondents No. 1 and 4 have filed their compliance report on 20.09.2014. Respondents No. 2 and 6 have also filed their progress report on 23.09.2014. Both are taken on record.

2. Mr. J.B. Pradhan, learned Addl. Advocate General submitted that in view of reports filed by respondents, the writ petition can be heard and decided finally today. Learned counsel for petitioner has no objection in it.

3. Heard learned counsel for the parties.

4. A letter petition dated 24.11.2012 was handed over to the then Chief Justice of this Court, during their visit to North Sikkim, which was registered as Public Interest Litigation and a notice was issued to respondents. Two complaints were made in the letter petition, first, about miserable road condition in the North Sikkim and second, about deficiency in the BSNL services/networking in the North Sikkim.

5. The BSNL as well as Project Swastik and DGBR filed their work report/progress

report from time to time, in pursuance of the directions of this Court. The Chief General Manager, BSNL, West Bengal Circle, was present before this Court on 26.05.2014. He submitted that problem of networking of BSNL connection in North Sikkim was due to less supply of power. Now the services of BSNL have been improved in North Sikkim including Lachen and Lachung. He himself visited the North Sikkim to understand the problems and, thereafter, a decision was taken by the BSNL to improve the manpower. It was also stated before this Court that one Telecom Technical Assistant (TTA) has been posted there. It was also stated that their own generator, which was not functional, has been repaired and is working. The Power Department, Govt. of Sikkim has also increased the supply of power.

6. Respondents No. 1 and 4 in their report dated 20.09.2014, have submitted that work of installation of 25 KVA S/S at BSNL Tower and extension of 11 KV Transmission has been completed and successfully tested on 17.09.2014. They have also annexed the photographs of the 25 KVA S/S at Lachen, BTS Tower as well as Distribution Board, for BTS Tower at Lachen. A copy of the joint inspection by Power Department and BSNL have also been annexed with the report. The Energy and Power Department, Govt. of Sikkim, vide its letter dated 18.09.2014 also informed the General Manager, BSNL, Gangtok about completion of work.

7. After considering the submission of learned counsel for the parties and also the averments made in the report, we are satisfied that the BSNL services/network in North Sikkim is functioning properly and no further order in this regard is required to be passed by this Court.

8. So far as road condition in North Sikkim is concerned, the respondents No. 2 and 6 have filed the detailed status report of the roads between Chungthang to Lachung, Lachung to Yumthang, Yumthang to Yumsomdong (South) - Yumsomdong (North), Namnasa - Dombang Road, Lachung - Zekuphyak - Katao Road, Katao - Tankarla - Patala Road, Satya Base - Bowl - Tangkarla Road, Zadong - Dongkyala - Kerang Road. A detail report has been submitted wherein it has been stated that some work has been done in the year 2013-14, some work is being done during this financial year, 2014-15 and rest will be done in 2015-16.

9. Mr. Karma Thinlay, learned Central Govt. Counsel appearing on behalf of respondents No. 2, 3, 5 and 6 submitted that the required budget has been sanctioned and work order has also been given for all the roads falling in North Sikkim.

10. We hope and expect that respondents No. 2 and 6 will do the needful as per their reports, submitted before this Court. In these circumstances, no further monitoring is required by this Court on road condition of North Sikkim, also.

11. In view of above, we are not inclined to continue the present Public Interest Litigation anymore and the same stands disposed off.