



THE HIGH COURT OF SIKKIM: GANGTOK
(Civil Extra Ordinary Jurisdiction)

SINGLE BENCH: THE HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE

W.P. (C) No. 26 of 2022

Mr. Pema Tenzing Bhutia,
S/o Palden Dorjee Bhutia,
R/o Lachung, North Sikkim.
P.O. & P.S. Lachung, North Sikkim.

..... Petitioner

Versus

- 1. State of Sikkim
Through,
The Secretary,
Land Revenue & Disaster Management
Department, Government of Sikkim
Tashiling, Gangtok Sikkim,
Pin Code- 737 101.
- 2. The District Collector,
Pentok, Mangan, Sikkim.
Pin Code- 737 116.
- 3. The Sub-Divisional Magistrate,
Chungthang Sub-Division.
Mangan, Sikkim,
Pin Code- 737 120.
- 4. The Office of the Commandant,
48 Battalion, Indo-Tibetan Border Police,
Government of India,
Having its Office at Lachung,
Mangan, Sikkim-737 120.

..... Respondents

**Application under Article 226 of the Constitution of
India**



Appearance:

Mr. Samso Hang Subba and Mr. Bhaichung Bhutia,
Advocates for the Petitioner.

Mr. Thinlay Dorjee Bhutia, Government Advocate for
the Respondent Nos. 1 to 3.

Ms. Sangita Pradhan, Deputy Solicitor General of
India assisted by Ms. Natasha Pradhan and Ms.
Purnima Subba, Advocates for the Respondent No. 4.

Date of hearing	:	12.06.2024
Date of Order	:	12.06.2024

O R D E R (ORAL)

Bhaskar Raj Pradhan, J.

1. An affidavit has been filed by respondent no.4 stating that an amount of Rs.39,84,531/- has been deposited in the account of District Collector, Mangan, bearing account No.50100682651050 on 29.05.2024 and the District Collector was also intimated vide letter dated 29.05.2024.

2. The writ petition sought for compensation amount of Rs.23,76,961.74/- as reflected in award dated 15.11.2018 along with interest by way of damages till the date of final payment on the ground that although award was passed by the District Collector on 15.11.2018 under the Right to Fair Compensation and Transparency and Land Acquisition Rehabilitation and Resettlement Act, 2013 the respondent no.4 had failed to pay the compensation till the date of filing of the writ petition.



3. The learned counsel for the petitioner submits that the calculation of interest by the respondent no.4 is erroneous because it does not calculate the interest till the date of actual payment. However, it is quite clear that the principal amount of compensation payable along with interest thereon till the date of computation by the District Collector has been duly deposited by the respondent no.4 before the District Collector, Mangan.

4. In view of the same, this Court is of the view that the writ petition can be disposed of with liberty to the petitioner to approach the District Collector, Mangan with their calculation to satisfy the District Collector, Mangan for further payment and interest from the respondent no.4. If the District Collector is so satisfied direction may be given to the respondent no.4 to make good the payment of the remaining amount which shall be duly paid by the respondent no.4 without delay. It is accordingly ordered.

5. The order dated 23.11.2023 records the information that the petitioner has been missing since the devastating Glacial Lake Outburst (GLOF) at Chungthang. The respondent no.2 is therefore, directed to make an inquiry and a written report regarding the petitioner within a period of one month from today.



6. Based on the finding of the inquiry and the written report, appropriate steps for disbursement of the compensation amount as per law shall be taken.
7. The writ petition is accordingly disposed.

(**Bhaskar Raj Pradhan**)
Judge

Approved for reporting : **Yes**
Internet : **Yes**

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