

HIGH COURT OF SIKKIM : GANGTOK
Record of Proceedings

WP(C) No. 48/2025

RUTH KARTHAK LEPCHANI AND ANR.

PETITIONER (S)

VERSUS

CHEWANG DORJEE BHUTIA AND ORS.

RESPONDENT (S)

For Petitioners : Ms. Gita Bista, Ms. Pratikcha Gurung and Mr. Deepan Khatiwada, Advocates.

For Respondent No. 1 : Ms. Neha Gupta, Advocate.

For Respondent Nos. 2 and 3 : Mr. S.K. Chettri, Government Advocate.

Date: 06/11/2025

CORAM:

HON'BLE MR. JUSTICE BISWANATH SOMADDER, CHIEF JUSTICE

...

JUDGMENT

This matter has a chequered history and the dispute between the petitioners and the private respondent no. 1, has its genesis dating back to 07th February, 1959. Several rounds of litigation have transpired between the parties since 1980. Today, the petitioners have approached this Court in yet another round of litigation by filing the instant writ petition seeking an order for quashing and setting aside the impugned order dated 26th June, 2025, passed by the Appellate Authority, Land Revenue and Disaster Management Department, Government of Sikkim, in Revenue Appeal Case No. 01 of 2024 (*Chewang Dorjee Bhutia vs. Ruth Karthak Lepcha and Anr.*). For convenience, the said order is reproduced hereinbelow in its entirety:

"Final Order

26/06/2025

Today is the date fixed for Final Order.

I have carefully heard both the parties and taken into account their submissions. I have also examined the entire records of the case along with the impugned order dated 28/08/2024 passed by the Sub-Divisional Magistrate, Ravangla.

HIGH COURT OF SIKKIM : GANGTOK

Record of Proceedings

The instant matter is civil in nature which is beyond the jurisdiction of this appellate authority. The parties may accordingly approach the appropriate forum having jurisdiction for redressal.

This Revenue Appeal case is accordingly dismissed. The records, if any may be returned to the office of Sub Divisional Magistrate, Ravangla."

A bare perusal of the impugned order reveals that the Appellate Authority has declined to interfere in the matter because of the fact that the same "is civil in nature which is beyond the jurisdiction" of the Appellate Authority. This observation — in the opinion of this Court — is the correct appreciation of law by the Appellate Authority. So far as the other observation of the Appellate Authority is concerned, which reads as "... The parties may accordingly approach the appropriate forum having jurisdiction for redressal.", this Court is of the view that this observation is quite redundant since the rights of the parties have already crystallised through authoritative pronouncements of Courts of competent jurisdiction including this Hon'ble Court in various proceedings, both civil and writ. There cannot be any need to protract litigation on the basis of the above quoted observation of the learned Appellate Authority. Lis in perpetuity is impermissible and a final closure of lis between the parties is inevitable in the facts and circumstances of the instant case.

In that view of the matter, no further order is required to be passed in the instant matter which stands disposed of accordingly.

The interlocutory applications, being I.A. No. 01/2025 and I.A. No. 02/2025, filed in connection to the main matter, stands disposed of accordingly.



(Biswanath Somadder)
Chief Justice

jk/avi/ami