HIGH COURT OF SIKKIM : GANGTOK
Record of Proceedings

CNR No.: SKHC010001082025

WP(C)No.38 of 2025

NETRA KUMAR PRADHAN AND OTHERS PETITIONER(S)

VERSUS

THE DISTRICT COLLECTOR AND OTHERS RESPONDENT(S)

For Petitioner(s) : Mr. Sudesh Joshi, Senior Advocate with Mr. Adarsh Gurung, Advocate.

For Respondent(s)
R-1 & R-2 : Mr. Thinlay Dorjee Bhutia, Government Advocate.

R-3 to R-6 : Mr. Anirudh Gupta, Advocate (Legal Aid Counsel).

Date : 23/11/2026

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HON'BLE MR. JUSTICE A. MUHAMED MUSTAQUE, CHIEF JUSTICE

FINAL ORDER

This writ petition can be disposed of on a short point.

The matter arises for cancellation of Certificate of Identification (COI) of the Petitioners by the District Collector, East *vide* order dated 01.07.2019. Being aggrieved by this order, the Petitioners preferred an Appeal before the Land Revenue and Disaster Management Department, who is the Appellate Authority. The Appellate Authority recorded the arguments on both sides and passed an order. The said order dated 03.05.2025 is annexed as Annexure - P23. It is appropriate to reproduce the entire order as hereinbelow:-

> "Today is the date fixed for final order.
>
> I have carefully listened to both the parties and considered their submissions. I have also examined the entire records of the case along with the impugned order dated 01/07/2019 passed by the District Collector, Gangtok District. It is evident that the District Collector, after due inquiry and in placing reliance on the reports of Panchayat, Special Branch and Vigilance, Sikkim Police found that the appellants had obtained their Certificate of Identification by falsely claiming Lt. Dhan Narayan Pradhan as their paternal grandfather.
>
> The inquiry conducted by the District Collector, Gangtok based on the above reports, clearly established that Shri Ganesh Kumar Pradhan and Shri Narendra Kumar Pradhan are the sons of Lt. Devi Bahadur Pradhan and not the grandsons of Lt. Dhan Narayan

> Pradhan, as claimed in the documents submitted to obtain their Certificate of Identification. No substantive evidence was found submitted by the appellants before the District Collector, Gangtok to disprove these findings.
>
> After re-examining the records and conducting hearings, I find that the order dated 01/07/2019 passed by the District Collector, Gangtok, is supported by material evidence and in accordance with the principles of natural justice.
>
> Accordingly, the order dated 01/07/2019 passed by the District Collector, Gangtok District, is upheld, and the appeal case is disposed of.**"**

This shows that the Appellate Authority had not applied its mind except agreeing with the District Collector's order on cancellation. Application of mind necessarily should reflect through a reasoning. The reasoning should be the fulcrum of such order. A quasi-judicial authority is examining rival contentions expected to accept or repel the contention of the parties by applying mind and recording reasons. Any order without proper reason cannot stand the scrutiny of the law and it has to be set aside.

Due to the fact that the Petitioner's contentions are not at all rejected stating a valid reason, it is appropriate to remand the matter to the Appellate Authority for a fresh consideration.

The fresh decision shall be taken after hearing both the sides within a period of three months.

The stay already granted in the matter by this Court in I.A. No.01 of 2025, against cancellation of the COI of the Petitioners, will continue till the disposal of the appeal before the Learned Appellate Authority.

Accordingly, the writ petition being ***WP(C) No.38 of 2025***, stands disposed of.

Pending Interlocutory Application(s) shall also stands disposed of.

Chief Justice

ds/ami