



Order with Signature

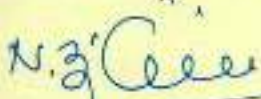
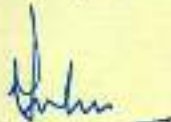
Office Note as to
action (if any)
taken on Order

2. 12-8-2005

Upon hearing Mr. Tashi Wangdi Phempo, President of the Sikkim Citizens' Forum representing the petitioner and also Mr. S.P. Wangdi, learned Advocate General assisted by Mr. J.B. Pradhan and Mr. Karma Thinlay, learned Govt. Advocates at some length, Shri Tashi Wangdi Phempo in his usual frankness submitted that the petitioner desires to withdraw this writ petition. Today, the learned Advocate General at the very outset contended that in terms of the directives of this Court made on 9-9-2004 in Writ Petition (C) No.30 of 2004, the respondent authority had duly complied with the directives of this Court and passed the necessary orders thus, communicating the same to the petitioner. In support of this contention, the learned Advocate General had drawn our attention to the document marked as in Annexure R-1 appended to the related affidavit filed by the respondent No.2, the Chief Secretary, Government of Sikkim.

We have perused the document Annexure R-1 which is a Govt. office letter dated 9-12-2004 showing the factum of communication of the related decision of the authority concerned to the present writ petitioner in the year 2004. At the hearing, Mr. Tashi Wangdi Phempo contended that the office letter was not issued under the seal and signature of the Chief Secretary concerned. A bare perusal of the office letter dated 9-12-2004 shows that the Joint Secretary,



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		<p data-bbox="337 375 1187 1130">Home(II) has been directed by the appropriate authority to inform the petitioner about the matter in terms of the related order passed by this Court on 9-9-2004 in the connected Writ Petition (C) No.30 of 2004. We are quite astound to know that the petitioner did not append a copy of this office letter dated 9-12-2004 to the writ petition though, the petitioner was quite aware of the existence of this letter. Be that as it may, we are not expressing anything on merit as suffice is made ^{for disposal of this case,} on the prayer of the petitioner for withdrawal of the writ petition. In the result, the petition is closed on withdrawal but, no order as to costs.</p> <p data-bbox="862 1105 1122 1203"></p> <p data-bbox="727 1220 1057 1308">(N. Surjamani Singh) Chief Justice (Acting)</p> <p data-bbox="854 1317 1024 1439"></p> <p data-bbox="792 1439 976 1520">(A.P. Subba) Judge</p>	