

IN THE HIGH COURT OF SIKKIM

CIVIL JURISDICTION

Cont. Cas (C) No. 03/2014

Karma Thinlay Lama & Ors. vs. Dr. B.M. Goswami & Ors.

BEFORE

HON'BLE THE CHIEF JUSTICE

MR. JUSTICE N.K. JAIN

HON'BLE MR. JUSTICE S.P. WANGDI, JUDGE

05. 22.08.14 Present: M/s. Dr. Doma T. Bhutia and Sarita Bhusal,
(Jain, CJ) Advocates for the petitioners.

M/s A. Moulik, Sr. Advocate with K.D. Bhutia and
Manish Kr. Jain, Advocates for respondent No. 1.

M/s. S.K. Chettri and Pollin Rai, Asstt. Govt.
Advocates and D.K. Siwakoti, Advocate for State-
respondents No. 2 to 5.

...

Petitioners have preferred this Contempt Petition with the prayer to pass an order for initiating contempt of court proceedings against respondents/ contemnors and to punish them and further to stay the construction of Face-6 of the Adit-II.

2. Neither in the subject matter, nor in the prayer, the date of order has been mentioned, which is to have been violated. However, in the contempt petition, there is a reference of an interim order dated 12.12.2013 and a photocopy of the certified copy thereof, has been annexed as Annexure P-1.

3. Learned counsel for petitioners submitted that she has filed the Transfer Petition No. 02/2014 before this Court to transfer the main writ petition i.e. W.P.(PIL) No. 06/2013 to the National Green Tribunal, Principal Seat at Delhi, as some environmental issues are involved in the writ petition. Therefore, this Contempt Petition for disobedience of the order of this Court may also be transferred along with main writ petition (PIL) No. 06/2013.

4. Respondents have filed their replies/counter affidavits to the contempt petition.

5. We have considered the submissions of learned counsel for the parties. It is relevant to mention that the Transfer Petition No. 02/2014 has been dismissed, after hearing the learned counsel for the parties. Even otherwise, the contempt petition has been filed for disobedience of order of this Court. Therefore, we have examined this contempt petition as well as replies/ counter affidavits thereto. We have also examined the order of this Court dated 12.12.2013 passed in Stay Application i.e. CMA No. 155/2013, which is alleged to have been disobeyed by respondents.

6. After considering the facts and allegations in the contempt petition and counter affidavits thereto filed by respondents, in the light of order of this Court dated

12.12.2013, we are satisfied that respondents have not violated the order of this Court and they have complied with the direction of this Court.

7. In these circumstances, we do not intend to keep this contempt petition pending anymore and the same is, accordingly, dismissed. Notice of contempt stands discharged.

Judge
22.08.2014

Chief Justice
22.08.2014

pm/jk Index : ~~Yes~~ / No
Internet : Yes / ~~No~~