



WP(C) No. 25/2017
Khush Narayan Pradhan Vs. State of Sikkim & Ors.

BEFORE
MR. JUSTICE SATISH K. AGNIHOTRI, CJ.

03. 26.07.17 Present: Mr. Passang Tshering Bhutia, Mr. Libron W. Rongong, Advocates, for the Petitioner.

Mr.J.B. Pradhan, Addl. Advocate General with Mr. S.K. Chettri and Ms. Pollin Rai, Asstt. Govt. Advocates for Respondents No. 1 to 4.

Mr. Tashi W. Bhutia, Mr. Leonard Gurung and Mr. Nayan Nepal, Advocates for Respondent No. 5.

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The petitioner, being one of the applicants for an allotment of a shop on terrace space measuring of 83.71 sq. ft. of the Development Area Shopping Complex, Gangtok, has come up with this petition, stating that he has made an application on 01st June 2013. The same was declined. However, subsequently the said space was allotted to the fifth respondent herein. It is further contended that the allotment of the said space in this manner is discriminatory, arbitrary and also infringes the fundamental rights guaranteed to the petitioner.

2. In response, the official respondents have filed counter affidavit stating that the said terrace space at Development Area Shopping Complex was allotted to the fifth respondent on 11th July 2016 (Annexure P-1) for a period of one year only. The term of the allotment will come to an end on 31st July 2017. The fifth respondent has already served a notice on 06th June 2017 to the effect to



vacate the premise before the date. Thereafter, the Department proposes to use the said area for its own purpose.

3. Mr. Tashi Wongdi Bhutia, learned counsel appearing for the fifth respondent, concurs with the submissions made by the official respondents and submits that the space shall be vacated on or before the due date.

4. Having considered the aforestated factual matrix involved in the case, it is not necessary to adjudicate the dispute at this stage and this petition has become infructuous.

5. Learned Addl. Advocate General submits that if the Department decides to allot the said space to a private person, the same shall be done in accordance with law, considering all the applications made thereon.

6. In such view of the matter, nothing survives on merit. The writ petition stands disposed of accordingly.

Chief Justice
26.07.2017

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