



**HIGH COURT OF SIKKIM**

Record of proceedings through Video Conferencing

**W. P. (C) No. 24 of 2018**

CHOPHEL LEPCHA & ANR.

.... PETITIONERS

VERSUS

STATE OF SIKKIM & ORS.

.... RESPONDENTS

Date:12.03.2021

CORAM

**HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, J.**

For Petitioners : Mr. Zangpo Sherpa, Advocate.  
Mr. Mingma Lhamu Sherpa, Advocate.  
Mr.Pem Norbu Lepcha, petitioner no.2 in person.

For Respondent : Mr. Hissey Gyaltsen, Assistant Government  
Nos. 1 to 4. Advocate.

For Respondent : Mr. A. K. Upadhyaya, Senior Advocate with Ms.  
No.5. Rachhitta Rai, Advocate.  
Dr, Ajay Kumar Jha, Senior Manager,  
Environment and Mr. Rahul Raman, Manager  
Law.

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Mr. Zangpo Sherpa, learned counsel for the petitioners submits that the State respondents have issued a notification dated 18.07.2020 regarding the subject matter of the present writ petition and as such the writ petition has become infructuous. He seeks to withdraw the same with liberty to challenge the notification as well. The learned counsel for the respondents does not object to the said withdrawal. Mr. A. K. Upadhyaya, learned Senior Advocate assisted by Ms. Rachhitta Rai, learned counsel for the respondent no.5 however, submits that no liberty should be granted to the petitioner. Considered the submissions. The petitioners are permitted to withdraw the present writ petition. If the



petitioners are aggrieved by the new notification issued by the State respondent dated 18.07.2020 they have liberty to pursue their remedy. However, the respondents shall have all their rights to raise their objections with regard to maintainability if such a writ petition is filed. The writ petition is disposed of accordingly.

**I.A. No.1 of 2018**

In view of the above order, I.A. No. 01 of 2018 also stands disposed of.

**Judge**