

WP(PIL) No.09/2021

RAMESH RAI AND ORS.

PETITIONER(S)

VERSUS

STATE OF SIKKIM & ORS.

RESPONDENT (S)

For Petitioner : Mr. B. Sharma, Sr. Advocate.
Mr. Sajal Sharma, Advocate.

For Respondents no. : Dr. Doma T. Bhutia, Addl. Advocate General.
1 to 4 Mr. S.K. Chettri, Govt. Advocate.

For Respondent no.5 : Mr. Sudesh Joshi, Advocate.
Ms. Gazala Parvin, Advocate.

Date: 17/02/2022

CORAM:

HON'BLE MR. JUSTICE BISWANATH SOMADDER, CHIEF JUSTICE
HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE

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JUDGMENT: (per the Hon'ble, the Chief Justice)

The only issue which arises for consideration in the instant Public Interest Litigation is whether the local residents of Namchi are being deprived of use of a playground in view of construction of a 300 bedded district hospital in an area which was being used as temporary playground.

The answer to this issue is in paragraphs 14 and 26 of the counter affidavit filed on behalf of the State respondents. For convenience, paragraphs 14 and 26 of the said counter affidavit are reproduced hereinbelow:-

"14. It is further submitted that Government has already taken care of sports, therefore, Bhaichung Stadium has constructed and completed, which is of international standard and same can be utilized by the people for the purpose of health activities, besides football tournament, there is no bar. In addition to that State Government has allotted 3.822 acres of land at Boomtar Namchi for utilization of public purpose of sports etc.

X

X

X

26. That the contents of paragraph- 50 of the writ Petition are matters of record and it is submitted that the Bhaichung Bhutia Stadium which is meant for sports activities, its construction has been completed and the said stadium is also being used by the public of Namchi Bazaar and as well as by the public of in and around vicinity of Namchi, South Sikkim."

Since it is clear from a plain reading of the two paragraphs, as quoted above, that the Bhaichung Stadium can be used by the general public for the purpose of health activities besides football tournaments and in addition to that the State Government has allotted 3.822 acres of land in Boomtar, Namchi, for utilization of public purpose of sports, etc., we do not find any cogent and/or justifiable reason to keep the instant Public Interest Litigation pending, which stands disposed of accordingly.

(Meenakshi Madan Rai)
Judge

(Biswanath Somadder)
Chief Justice

jk/ds/avi

