

**HIGH COURT OF SIKKIM**

Record of proceedings

**W.P. (C) No.41/2018**

DINESH PRASAD

.... PETITIONER

Versus

STATE OF SIKKIM & ORS.

.... RESPONDENTS

Date: 16.11.2018

CORAM

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

For Petitioner : Ms. Gita Bista and Ms. Sashi Rai, Advocates.

For Respondent : Mr. Karma Thinlay, Senior Government Advocate with  
Nos. 1, 2 & 3. Ms. S. K. Chettri, Assistant Government Advocate

For Respondent No.4: Mr. A. K. Upadhyaya, Senior Advocate with Ms. Hemlata  
Sharma, Advocate.

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The present Writ Petition challenges Notice vide memo no. 207/BAC/PKG dated 11.6.2018 (impugned Notice) issued by the Block Development Officer, Pakyong BAC, Government of Sikkim who is the Respondent no.2 in the present Writ Petition. By the impugned Notice referring to an earlier memo no.301/BAC/Pkg dated 14.07.2017 and a reminder notice of October, 2017 for alleged running of trade illegally without valid trade license the Petitioner was required to shut down the shop and remove the items within three days of the receipt of the said Notice. Failure would result in sealing of the unit and imposition of fine threatened the said impugned Notice. Troubled by the said impugned Notice as well as the subsequent sealing of the business premises of the Petitioner, the Petitioner has approached this Court. The pleadings are complete. On perusal of the relevant Rules, Notification and Circulars of the State

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Mr. Karma Thinlay, learned Senior Government Counsel appearing for the State fairly submits that the impugned Notice dated 11.06.2018 shall be withdrawn by the State forthwith and the State shall also unseal the business premises of the Petitioner and allow the Petitioner to run his business in view of the fact that the State itself had renewed the license of the Petitioner from 1994 till 31.03.2019 and is still valid. Mr. Karma Thinlay, also assures this Court that the premises would be unsealed by tomorrow i.e. 17.11.2018. In view of the categorical statement and assurance given by the learned Senior Government Counsel for the State nothing survives in the Writ Petition. The Writ Petition is disposed of on the above terms. Failure of the State to comply with the statement and assurance given by the learned Senior Government Counsel would, needless to say, entitle the Petitioner to approach this Court.

**Judge**  
**16.11.2018**