

HIGH COURT OF SIKKIM  
Record of Proceedings

**WP(PIL) No.5 of 2018**

DURGA PRASAD DAHAL AND ANOTHER PETITIONER (S)  
VERSUS  
STATE OF SIKKIM AND OTHERS RESPONDENT(S)

**Date: 15.11.2018**

CORAM:

**HON'BLE THE CHIEF JUSTICE  
HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE**

For Petitioner : Mr. Meg Nath Dhungel, Advocate.

For Respondent(s)  
State of Sikkim : Mr. Karma Thinlay, Sr. Govt. Advocate  
with Mr. S.K. Chettri, Mrs. Pollin Rai,  
Asst. Govt. Advocates and Ms Sangita  
Pradhan, Advocate (RM&DD).

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ORDER

Present PIL has been filed for the following reliefs;

- a.** Issue a direction/writ directing the state Respondents No.1 to 3 refraining them from linking pipes from the already illegally constructed new water tanks from Simana Khola to Malla Dara;
- b.** issue a direction/writ directing the state Respondents No. 1 to 3 not to encroach upon and disturb the Simana Khola water source and old water tank which facilitates smooth drinking water connection to the Petitioners and Sakyong villagers;
- c.** issue a direction/writ in the nature of Mandamus commanding the Respondent No. 1 to 3 to remove new water tank constructed illegally by Respondent No.4 at Simana Khola water source instead of Nave source;
- d.** a direction/writ in the nature of Manadamus (*sic* Mandamus) commanding the Respondent No.1 to 3 to execute the Rural Water Supply Schemes work sanctioned vide Annexure-8 from the Navey source itself and not from Simana Khola source.

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- e.** issue a direction/writ of or in the nature of Certiorari setting aside the order of the Ld. District Magistrate dated 21.02.2017 in Case No. 04 of 2017 vide Annexure-1.
- f.** Issue an ad-interim order staying the forceful execution of Rural Water Supply Schemes work sanctioned vide Annexure-8 by the Respondent No.2 to 3 from Simana Khola Source to Mallam Dara till the disposal of this writ petition.
- g.** Issue any other writs or orders or directions as this Hon'ble Court may deem fit and proper."

This Court on asking the learned counsel for the petitioner, whether he approached the concerned authority regarding his grievances, the learned counsel for the petitioner submits that he will now approach the authority concerned and file the representation.

Considering the submission of learned counsel for the petitioner, we permit the petitioner to file representation before the concerned authority and wait for some time. In case nothing is done on his representation, we permit the petitioner to approach this Court again.

With the above observations, this PIL is closed.

**Judge**  
**15.11.2018**

**Chief Justice**  
**15.11.2018**

Index : ~~Yes~~ / No  
Internet : Yes / ~~No~~  
ds/bp