HIGH COURT OF SIKKIM : GANGTOK
Record of Proceedings

WA No. 1 of 2022

THE CHIEF OF ARMY STAFF AND ORS. APPELLANT (S)

VERSUS

THE SECRETARY LAND REVENUE DISASTER MANAGEMENT DEPARTMENT AND ORS. RESPONDENT (S)

For Appellant(s) : Ms. Sangita Pradhan, Deputy Solicitor General of India with Ms. Sittal Balmiki and Ms. Natasha Pradhan, Advocates.

For Respondent(s)
R-1 & R-2 : Mr. Zangpo Sherpa, Additional Advocate General With Mr. S.K. Chettri, Government Advocate and Mr. Sujan Sunwar, Assistant Government Advocate.

R-3 to 23 : Mr. Jorgay Namka, Senior Advocate with Mr. Lahang Limboo and Mr. Sawal Rai, Advocates.

with

WP(C) No.38 of 2022

UNION OF INDIA AND ORS. PETITIONER (S)

VERSUS

THE STATE OF SIKKIM AND ORS. RESPONDENT (S)

For Petitioner(s) : Ms. Sangita Pradhan, Deputy Solicitor General of India with Ms. Natasha Pradhan and Mr. Amit Kumar Sharma, Advocates.

For Respondent(s)
R-1 & R-2 : Mr. Zangpo Sherpa, Additional Advocate General With Mr. S.K. Chettri, Government Advocate and Mr. Sujan Sunwar, Asst. Government Advocate.

R-3 to R-23 : Mr. Jorgay Namka, Senior Advocate with Mr. Lahang Limboo and Mr. Sawal Rai, Advocates.

Date: 28/07/2026

CORAM:

HON'BLE MR. JUSTICE A. MUHAMED MUSTAQUE, CHIEF JUSTICE
HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE

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ORDER: (per the Hon'ble Chief Justice)

These matters can be closed based on the understanding entered between the parties.

It is submitted that the Union Government is proposing to acquire the land in question.

The claimants submit that if the Union Government proposes to acquire the land in accordance with the Land Acquisition Act or based on consensus, they will not press for a claim for the damages. However, it is submitted that in the event the Union Government fails to initiate the land acquisition proceedings, their claim may be revived.

In such circumstances, both the matters stand closed.

However, if the Union Government fails to initiate the land acquisition proceedings, both the parties are at liberty to reopen this matter within six months.

It is submitted that requisition has already been forwarded by the Army.

The State shall proceed with the acquisition proceedings without any delay.

We make it clear that in the event acquisition proceedings initiated and attain the logical culmination, the claim made by the party(s) would stand waived and all their claims would be in accordance with the Land Acquisition enactment.

The State Government shall initiate necessary steps under the Land Acquisition Act for issuance of Notification within a period of four weeks.

We make it clear that there is no embargo for the State Government to proceed for the land acquisition in light of the stand taken by the Army and the Union Government.

(Bhaskar Raj Pradhan)
Judge

(A. Muhamed Mustaque)
Chief Justice

ds/bp/ami/arc