

# **SUPREME COURT OF INDIA**

State of Sikkim

Vs.

Kanta Theengh (Smt)

C.A.No.12602 of 1996

(A.M.Ahmadii, C.J. and Sujata V. Manohar JJ.)

16.09.1996

## **ORDER**

The Text below is only a summarized version of the order pronounced

Respondent No.1 sought allotment of a parcel of land for construction of house. After coming into force of Act of 1985 all allotments falling under notified green belt stood cancelled . Said plot belonging to respondent No. 1 came to be allotted for milk booth to respondent No. 2. High Court cancelled said allotment on ground that it is not duty of Government to see that milk booth earlier located was less suited. Supreme Court held that merely because site was given to milk booth and milk booth was earlier in existence across road did not mean that respondent No. 1 had better right because milk booth caters to needs of community at large. Respondent remained siled when it was being given alternative site. Supreme Court held that there was no justification for High Court directing State Government to allot that very site to respondent No. 1.