

GAHC010012242025



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/337/2025

MAHABAL CEMENT PRIVATE LIMITED
A COMPANY INCORPORATED UNDER THE COMPANIES ACT, 2013, HAVING
ITS REGISTERED OFFICE AT 7 COUNCIL STREET 2ND FLOOR, KOLKATA,
WEST BENGAL - 700001, REPRESENTED THROUGH ITS AUTHORISED
SIGNATORY, SRI. MUKESH SO GURJAR, AGED ABOUT 40, SON OF SRI.
RAMJI LAL GURJAR,
RESIDENT OF MAKSUDAN PURA, DIST. SAWAI, MADHOPUR,
RAJASTHAN, PIN-322033

VERSUS

THE STATE OF ASSAM AND 10 ORS
REP BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM,
HOME AND POLITICAL DEPT., ASSAM SECRETARIAT, I-BLOCK, 2ND
FLOOR, DISPUR, GUWAHATI-781006

2:DIRECTORATE GENERAL OF POLICE

ASSAM
ASSAM POLICE HEADQUARTERS
ULUBARI
GUWAHATI-781007

3:DIMA HASAO AUTONOMOUS COUNCIL

REPRESENTED BY ITS PRINCIPAL SECRETARY (N)
HAFLONG
DIMA HASAO
DISTRICT
ASSAM-788819.

4:THE SECRETARY REVENUE

I/C SETTLEMENT AND REVENUE DEPARTMENT
DIMA HASAO AUTONOMOUS COUNCIL
HAFLONG
DIMA HASAO DISTRICT
ASSAM- 788819

5:THE ADDITIONAL SECRETARY

REVENUE DEPARTMENT
DIMA HASAO AUTONOMOUS COUNCIL
HAFLONG
DIMA HASAO DISTRICT
ASSAM-788819

6:THE REVENUE OFFICER

DIMAHASAO AUTONOMOUS COUNCIL

HAFLONG
DIMA HASAO DISTRICT
ASSAM-788819

7:SUPERINTENDENT OF POLICE

HAFLONG
DIMA HASAO DISTRICT
ASSAM
-788819

8:THE OFFICER-IN-CHARGE

UMRANGSO POLICE STATION

DIMA HASAO
HAFLONG
DIMA HASAO DISTRICT
ASSAM-788931

9:SRI SONESH HOJAI
THROUGH THE OFFICER-IN-CHARGE
UMRANGSO POLICE STATION
DIMA HASAO
HAFLONG
DIMA HASAO DISTRICT
ASSAM-788931.

10:SRI SAMARJIT NUNIA

THROUGH THE OFFICER-IN-CHARGE
UMRANGSO POLICE STATION
DIMA HASAO
HAFLONG
DIMA HASAO DISTRICT
ASSAM-788931.

11:SRI SABJAYNON JIDUNG
THROUGH THE OFFICER-IN-CHARGE
UMRANGSO POLICE STATION
DIMA HASAO
HAFLONG
DIMA HASAO DISTRICT
ASSAM-788931

Advocate for the Petitioner : G. GOSWAMI, MS P SAIKIA,MS M KAKOTY,R SARMAH

Advocate for the Respondent : GA, ASSAM, SC, DIMA HASAO

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 29.01.2025

Heard Mr. P.K. Goswami, learned Senior Counsel assisted by Ms. G. Goswami, learned counsel for the petitioner; Ms. S. Konwar, learned Junior Government Advocate, Assam for the respondent nos. 1, 2, 7 & 8; and Ms. J. Gogoi, learned counsel representing Mr. R.M. Das, learned Standing Counsel, Dima Hasao Autonomous Council for the respondent nos. 3, 4, 5 & 6.

2. The petitioner which is a company incorporated under the provisions of the Companies Act, 2013, has been allotted a plot of land measuring 2000 Bighas along the Garampani Lanka Road in between 26 Km & 29 Km at Umrangso, Dima Hasao vide an Allotment Order dated 14.10.2024 [Annexure-3]. Subsequently, the petitioner has been allotted another adjacent plot of land measuring 1000 Bighas situate along Garampani Lank Road in between 26 Km &

29 Km Umrangso, Dima Hasao by an Allotment Order dated 12.11.2024 [Annexure-8]. The purpose for allotment of 3000 Bighas of land is for installation of a cement plant, which is evident from the Allotment Order bearing no. REV/LR/CEMENT/II/2023-23 dated 14.10.2024 [Annexure-3] of the Additional Secretary Revenue, Dima Hasao Autonomous Council.

3. The petitioner has stated that after being allotted the said plots of land, the petitioner was granted lawful possession of those parcels of land and accordingly, it had commenced activities for establishment of a cement plant such as fencing, boundary works, etc. In the process of such construction, a nos. of incidents had occurred at the instance of the local persons, who were led by few private individuals, who have been impleaded as party-respondent nos. 9 – 11 in this writ petition. The petitioner has specifically referred to an incident occurred on 30.10.2024, already mentioned in a First Information Report lodged before the Officer In-Charge, Umrangso Police Station on 02.11.2024, which was not registered by the said authority despite reporting commission about a cognizable offence. As per the said First Information Report, at around 12.45 p.m. on 30.10.2024, the party-respondent nos. 9 – 11 came to the project site of the petitioner armed with *daos*, etc. and obstructed the construction works then undergoing for the cement plant. The petitioner has approached this Court by the present writ petition with mainly three-fold prayers, *firstly*, a direction to the respondent authorities to act on the e-Complaint lodged by the petitioner on 27.12.2024, *secondly*, a direction to the respondent authorities to prevent illegal obstructions created by the miscreants in the construction works undertaken by the petitioner for the cement plant at the allotted areas of 3000 Bighas and, *thirdly*, a direction to provide adequate protection to the petitioner and its officials/workers to undertake and continue

with the construction works of the cement plant at the project site.

4. Mr. Goswami has submitted that the Dima Hasao Autonomous Council by its Communications, dated 05.11.2024 & dated 09.12.2024 [Annexure-7 & 11], had notified the respondent no. 7 about the incidents occurred in and around the project site which have hindered the progress of the construction works and to provide police protection for smooth operation of the project of cement plant. When no action was seen to have been taken on the basis of the First Information Report lodged earlier and the two Communications of the Dima Hasao Autonomous Council, the petitioner lodged an e-Complaint on 27.12.2024. But the e-Complaint also did not result in any discernible action on the part of the respondent authorities to stop the disturbances created for the construction works in and around the project site.

5. When the writ petition was moved on 27.01.2025, Ms. Konwar, learned Junior Government Advocate was asked to obtain instruction as to whether any case has been registered on the basis of the e-Complaint lodged by the petitioner on 27.12.2024. Today, Ms. Konwar on the basis of instruction received from the respondent no. 7 vide Office Letter bearing no. HFG/Crime/WP[C]/2025/232 dated 28.01.2025 addressed to her, has submitted that on the basis of the e-Complaint, a preliminary enquiry was conducted under the provisions of Section 173[2], Bharatiya Nagarik Suraksha Sanhita, 2023 and one Sub-Inspector of Police was entrusted to enquire into the matter. After completion of the enquiry, the Enquiry Officer had submitted a report reporting that there was no *prima facie* material for registering a criminal case. The respondent no. 7 has further reported that the enquiry was closed based on the report of the Enquiry Officer.

6. It appears from the Office Letter dated 28.01.2025 of the respondent no. 7 that on 30.10.2024, there was a heated argument between the local inhabitants and the officials/workers of the petitioner company and the local villagers stopped the construction work of the petitioner company. Thus, it is *prima facie* evident that there was indeed stoppage of construction works of the cement plant.

7. In the aforesaid fact situation, the Court is of the considered view that the matter would require further consideration.

8. Issue notice, returnable on 21.02.2025.

9. As Ms. Konwar, learned Junior Government Advocate, Assam has appeared and accepted notice on behalf of the respondent nos. 1, 2, 7 & 8; Ms. Gogoi, learned counsel has appeared and accepted notice on behalf of the respondent nos. 3, 4, 5 & 6, no formal notices need to be issued to the said respondents. Ms. Goswami, learned counsel for the petitioner shall furnish requisite nos. of extra copies of the writ petitions along with the annexures to Ms. Konwar and Ms. Gogoi by tomorrow i.e. 30.01.2025.

10. The petitioner shall take steps for service of notice upon the respondent nos. 9 – 11 by registered post with A/D within 2 [two] working days from today.

11. Ms. Konwar shall obtain instruction as to what measures, the respondent nos. 7 & 8 have taken till date to facilitate uninterrupted construction work at the project site of the cement plant by the next date as the respondent no. 7, in its Office Letter dated 28.01.2025, has reported about the disturbances created by the local villagers in the construction works undergoing for the cement plant in the project site of the allotted lands of 3000 Bighas by the Dima Hasao

Autonomous Council. Ms. Konwar shall also place on record about the preliminary enquiry report undertaken by the Enquiry Officer, as reported by the respondent no. 7 in its Report dated 28.01.2025.

13. Taking note of the contents of the Office Letter dated 28.01.2025 and the Communications, dated 05.11.2024 & dated 09.12.2024, mentioned above, it is observed, as an ad-interim measure, that the respondent nos. 7 & 8 shall ensure that necessary measures are taken to facilitate uninterrupted progress of the construction works at the project site of the cement plant under reference, till the returnable date.

14. The Office Letter dated 28.01.2025 of the respondent no. 7, placed by Ms. Konwar, is kept with the case record by marking it as Document-'X'.

JUDGE

Comparing Assistant