

GAHC010106952022



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

**Case No. :WP(C)/4103/2014**

JUGAL KUMAR NATH  
S/O SRI GIRISH CHANDRA NATH R/O VILL- BATARHAT DAHALI BATARHAT  
P.S. PALASHBARI  
DIST. KAMRUP  
ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS  
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM  
FOREST DEPARTMENT  
SACHIVALAYA  
DISPUR  
GUWAHATI- 781006.

2:THE SECRETARY TO THE GOVT. OF ASSAM

ENVIRONMENT AND FOREST DEPARTMENT  
SACHIVALAYA  
DISPUR  
GUWAHATI- 781006.

3:THE PRINCIPAL CHIEF CONSERVATOR OF  
FORESTS AND HEAD OF FOREST FORCE  
ASSAM  
REHABARI  
GUWAHATI- 781008.

4:THE CHIEF CONSERVATOR OF FORESTS

CENTRAL ASSAM  
PANBAZAR  
GUWAHATI- 781001.

5:THE DIVISIONAL FORESTS OFFICER

KAMRUP WEST DIVISIONN  
BAMUNIGAON  
DIST. KAMRUP  
ASSAM.

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Advocate for : MS.N S THAKURIA  
Advocate for : appearing for THE STATE OF ASSAM AND 4 ORS

WITH Case : WP(C)/4266/2016

JUGAL KR. NATH  
S/O- SRI GIRISH CHANDRA NATH  
R/O VILL.- BATARHAT DAHALI  
P.O.- BATARHAT  
P.S.- PALASHBARI  
DIST.- KAMRUP  
ASSAM.

VERSUS

THE STATE OF ASSAM and 6 ORS.  
REP. BY THE COMMISSIONER and PRINCIPAL SECY. TO THE GOVT. OF  
ASSAM  
FOREST DEPTT.  
ASSAM SACHIVALAYA  
DISPUR  
GHY- 6.

2:THE SECY. TO THE GOVT. OF ASSAM  
ENVIRONMENT AND FOREST DEPTT.  
ASSAM SACHIVALAYA  
DISPUR  
GHY- 6.

3:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HEAD OF  
FOREST FORCE  
ASSAM  
PANJABARI  
GHY- 37.

4:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS T  
LOWER ASSAM ZONE  
PANBAZAR  
GHY- 1.

5:THE CHIEF CONSERVATOR OF FORESTS

CENTRAL ASSAM CIRCLE  
PANBAZAR  
GHY- 1.  
6:THE DIVISIONAL FORESTS OFFICER  
KAMRUP WEST DIVISION  
BAMUNIGAON  
DIST.- KAMRUP  
ASSAM  
PIN- 781141.  
7:NILIMA BODO  
W/O- SRI BINOY DAS  
JANATA PRESS ROAD  
MIRZA- 781125  
P.O.- MIRZA  
P.S.- PALASBARI  
DIST.- KAMRUP  
ASSAM.

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Advocate for : MS.N DEB  
Advocate for : MS.R BORAH appearing for THE STATE OF ASSAM and 6 ORS.

WITH Case : WP(C)/4780/2015

JUGAL KUMAR NATH  
S/O SRI GIRISH CHANDRA NATH R/O VILL- BATARHAT DAHALI  
P.O. BATARHAT  
P.S. PALASHBARI  
DIST. KAMRUP  
ASSAM.

VERSUS

THE STATE OF ASSAM AND 5 ORS  
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM  
FOREST DEPARTMENT  
ASSAM SACHIVALAYA  
DISPUR  
GUWAHATI - 781006.

2:THE SECRETARY TO THE GOVT. OF ASSAM

ENVIRONMENT AND FOREST DEPARTMENT  
ASSAM SACHIVALAYA  
DISPUR  
GUWAHATI- 781006.

3:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS

AND HEAD OF FOREST FORCE

ASSAM

REHABARI

GUWAHATI- 781008.

4:THE CHIEF CONSERVATOR OF FORESTS

CENTRAL ASSAM

PANBAZAR

GUWAHATI- 781001.

5:THE CONSERVATOR OF FORESTS

CENTRAL ASSAM CIRCLE

PANBAZAR

GUWAHATI- 781001.

6:THE DIVISIONAL FORESTS OFFICER

KAMRUP WEST DIVISION

BAMUNIGAON

DIST. KAMRUP

ASSAM

PIN - 781141.

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Advocate for : MS.P DEB

Advocate for : appearing for THE STATE OF ASSAM AND 5 ORS

**BEFORE**

**HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

**ORDER**

**26.07.2024**

Heard Ms. N. S. Thakuria, learned counsel for the petitioner. Also heard Mr. D. Gogoi, learned Standing Counsel for the Forest Department, Assam.

WP(C)/4103/2014 was filed seeking a direction to the respondent authorities to make a reasonable and judicious decision on the availability of sand for extraction from Batha River Mining Contract Area No. 2, under Lohar Ghat Forest Range, Kamrup District for the period from 2013 to 2020.

It is apposite to record herein that the petitioner was the contractor of the aforesaid Mining area w.e.f. 2013-2020.

Thereafter, during the pendency of this writ petition, WP(C) No. 4266/2016 was filed assailing an order dated 10.05.2016 issued by the Principal Chief Conservator of Forests and Head of Forest Force, Assam alleging grant of mining permit allowing mineral concession within the area of mining contract of the petitioner.

Subsequently, WP(C)/4780/2015 was filed assailing an order No. 208 dated 03.08.2015 issued by the Divisional Forest Officer, Kamrup West Division whereby the mining contract issued in favour of the petitioner was cancelled.

The respondent Forest Department is required to file an affidavit-in-opposition in WP(C) No. 4780/2015 inasmuch as the fate of other writ petitions shall depend upon the determination made in WP(C) No. 4780/2015.

These matters are pending since 2015 and therefore, a last opportunity is granted to the Department to file affidavit-in-opposition on or before 28.08.2024.

Thereafter list these matters on 10.09.2024. By which date, the petitioner may also file reply to such affidavit.

This Court is of the view that that the I.As, are having no cause of action as on date inasmuch as the termination of the mining contract itself is under dispute.

Therefore, the all the IAs, are stands closed.

**JUDGE**

**Comparing Assistant**