

GAHC010032802026



2026:GAU-AS:2664

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

Case No. : WP(C)/971/2026

MUNIN SAIKIA
SON OF LATE UMAKANTA SAIKIA, RESIDENT OF VILLAGE- BENGALI
MAJGAON, PO PS- BOGINADI, DISTRICT-LAKHIM PUR, ASSAM, PIN-
787032

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM, FOREST
AND ENVIRONMENTAL AFFAIRS DEPARTMENT, ASSAM SECRETARIAT,
DISPUR, GUWAHATI, ASSAM, PIN-781006.

2:PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HEAD OF FORESTS
FORCE ASSAM
ARANYA BHAWAN
PANJABARI GUWAHATI
KAMRUP (METRO)
ASSAM PIN-781037.

3:CHIEF CONSERVATOR OF FORESTS NORTHERN ASSAM CIRCLE
TEZPUR SONITPUR
ASSAM PIN-784001.

4:DIVISIONAL FOREST OFFICER

LAKHIMPUR DIVISION
NORTH LAKHIMPUR LAKHIMPUR
ASSAM- 787031

Advocate for the Petitioner : MR. R PHUKAN, MR. Y S MANNAN
Advocate for the Respondent : SC, FOREST,

BEFORE

HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

23.02.2026

Heard Ms. Y.S. Mannan, learned counsel for the petitioner and Mr. R.R. Gogoi, learned Standing Counsel, Forest & Environmental Affairs Department for all the respondents.

2. The case of the petitioner is that he is operating a stone crusher unit by the name and style of M/s Shree Ganesh Stone Crusher from his owned periodic patta land located in Village – Balijan Bongaligaon, P.O. – Pathalipam, Mouza – Kadam, North Lakhimpur [‘the subject-plot’, for short] after being granted permission vide License no. LS/SC/10 of 2009. The license to operate the stone crusher unit was renewed from time to time. Lastly, the license was renewed upto 31.03.2026 vide an Order dated 05.01.2026 passed by the respondent no. 4.

3. When the petitioner was so operating the stone crusher unit, a Show Cause Notice was served upon the petitioner on 09.01.2026 by the respondent no. 4 stating inter alia that as per a joint inspection report, it had come to light that the petitioner in the course of operation of the stone crusher unit, had encroached upon an area of land measuring 3 bighas for the purpose of stocking minor mineral materials. It is further mentioned that the alleged encroached area of land was neither recorded as commercial land nor recorded in the name of the petitioner. As the said area of land was being utilized for commercial purpose, the same had amounted to violation of the prevailing Government rules and norms as the said area was outside the approved commercial land wherefrom the stone crusher unit of the petitioner was permitted to operate.

4. In response to the Show Cause Notice dated 09.01.2026, the petitioner submitted a Reply before the respondent no. 4 on 17.01.2026 highlighting the reasons for which the area of land measuring 3 bighas, covered by Dag no. 841 belonging to one Pranjal Saikia, was being utilized for stocking of minor mineral materials. The petitioner has highlighted that the alleged encroached area of land measuring 3 bighas is not classified as agricultural land. An application for re-classification of the said land has already been submitted and the said

application is being processed presently. The petitioner has further mentioned that he was ready and willing to remove the stocked materials from the alleged encroached area of land, which belongs to one of his relatives only.

5. When the petitioner after submission of the Reply to the Show Cause Notice was awaiting for a decision on it, the impugned Office Order dated 07.02.2026 has been issued alleging unauthorized use of the area of land, measuring 3 bighas for the purpose of the stone crusher unit. The operation of the stone crusher unit has been suspended temporarily with immediate effect until further order. The impugned Office Order has further mentioned that the Office Order regarding renewal of the license passed on 05.01.2026 has also been withdrawn.

6. As the Show Cause Notice has been issued to the petitioner on 09.01.2026 and the petitioner in obedience, has also submitted a Reply to the Show Cause Notice on 17.01.2026, the proceeding initiated by the Show Cause Notice is required to be brought to a logical conclusion by the respondent no. 2. The impugned Office Order dated 07.02.2026 suspending the license of the stone crusher unit of the petitioner is an interim measure whereby the license has been suspended temporarily with immediate effect.

7. Mr. Mannan, learned counsel for the petitioner has submitted that as per Rule 3 of the Assam Stone Crusher Establishment and Regulation Rules, 2013 [‘the Rules, 2013’, for short], a stone crusher unit can be operated from land which are certified as non-agricultural land by the jurisdictional Circle Officer. In so far as the alleged encroached area of land measuring 3 bighas is concerned, Mr. Mannan has submitted that there is no prohibition under the Rules, 2013 to stock minor mineral materials in such plot of land. The petitioner has been operating the stone crusher unit only from the permitted area of land as mentioned in the license. It is further submitted by him that in any view of the matter, the process for reclassification of the alleged encroached area of land is in progress. Mr. Mannan has further submitted that given an opportunity, the petitioner would be able to submit such supporting documents.

8. This Court is of the considered view that the proceeding initiated by the Show Cause

Notice dated 09.01.2026 is to be brought to a logical conclusion in an expeditious manner.

9. In the obtaining fact situation projected, it would not be expedient to keep the writ petition pending and the same can be disposed of with a direction to the respondent no. 4 to bring the proceeding initiated by the Show Cause Notice to a logical conclusion since the petitioner has already submitted his Reply in response. It is accordingly ordered.

10. The petitioner is also granted liberty to submit additional supporting documents, if any, before the respondent no. 4 within a period of 3 [three] days from today. If such additional documents are submitted by the petitioner within a period of 3 [three] days from today, the respondent no. 4 shall take the Reply dated 17.01.2026 and the additional supporting documents, if any, submitted by the petitioner for consideration. After due consideration of the same as per the extant rules and regulations governing the matter of stone crusher unit, the respondent no. 4 shall pass a speaking order within a period of 15 [fifteen] days from today to bring the proceeding to a logical conclusion. The speaking order to be passed by the respondent no. 4 shall be communicated to the petitioner forthwith thereafter. The impugned Office Order dated 07.02.2026 shall abide by the decision to be taken in the speaking order. If the petitioner is aggrieved by the speaking order to be passed, it would be open for the petitioner to seek appropriate legal remedy.

10. With the observations made and the direction given above, the writ petition is disposed of. There shall, however, be no order as to cost.

JUDGE

Comparing Assistant