

GAHC010033122024



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

Case No. : PIL/14/2024

NORTH EAST ECO DEVELOPMENT SOCIETY
REPRESENTED BY THE SECRETARY SRI BISWAJIT SAIKIA, AGED ABOUT
42 YEARS, S/O- LATE GOPAL SAIKIA, R/O- BASISTHA, GANESH NAGAR,
HOUSE NO. 31, BASISTHA CHARIALI PATH BYE LANE NO.7, P.O. AND P.S.
BASISTHA, GUWAHATI- 781029, DISTRICT- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM, FOREST AND ENVIRONMENT DEPARTMENT,
DISPUR, GUWAHATI-06

2:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
DISPUR
GUWAHATI-06

3:THE CHIEF EXECUTIVE OFFICER
ASSAM STATE DISASTER MANAGEMENT AUTHORITY
ANCILLARY BLOCK
JANATA BHAWAN
DISPUR
GUWAHATI-06

4:THE DIVISIONAL FOREST OFFICER
EAST KAMRUP DIVISION
BASISTHA
GUWAHATI-2

For the Petitioner(s) : Mr. K.N. Choudhury,Sr.Adv., Amicus Curiae.
Mr. N. Gautam, Advocate.

For the Respondent(s) : Mr. D. Saikia, Sr. Advocate, A.G.
Mr. R. Barua.
Ms. N. Bordoloi, SC for Revenue.

B E F O R E

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI

HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

18.12.2024

(Vijay Bishnoi, CJ)

Heard learned counsels for the parties.

2. Pursuant to the direction given by this Court, an affidavit is filed on behalf of the State Government wherein it is stated that one Agency is hired for Preparation of GIS-based Comprehensive Drainage Master Plan and Detailed Project Report for Guwahati City, Assam and Work Order has also been issued to the said Agency. It is further submitted that the said Agency has already submitted the Inception Report and as per the same, the work is under progress.

3. On 11.11.2024, this Court has granted time to Mr. K.N. Choudhury, learned Amicus Curiae to file his comments in respect of the additional affidavit filed on behalf of the State.

4. An additional affidavit is filed on behalf of one Mr. Akash Deep Baruah, to whom at one stage this Court has allowed to intervene in the matter looking to the fact that he was holding a high position in the Forest Department. In the affidavit, though concern is raised about the fact that the Agency has asked for

long time to conclude the work which may result in delay in taking corrective measures. However, simultaneously, the deponent has raised the question regarding the manner in which the Work Order was granted to the consulting Agency. It is also mentioned in the said affidavit that several other indigenous companies are also capable of doing the said consultancy work but ignoring them, this consulting Agency from the Netherland, which may not have experience in controlling the artificial flood, has been engaged.

5. At this stage, we would like to observe that at present we are only concerned with the measures taken by the State Government for controlling the perennial flood situation in the Guwahati City. The manner of awarding Tender and the selection of the Agency is not the scope of this PIL.

6. If otherwise so, any person being aggrieved by the action of the State Government of awarding the Work Order to a particular Agency, and the money that has been spent in the said process, he/she is free to file separate proceedings in respect of that.

7. Learned Advocate General, Mr. D. Saikia, is directed to file the status report regarding the progress of the Work undertaken by the consulting Agency by the next date of hearing.

List the matter on **27.01.2025**.

JUDGE

CHIEF JUSTICE

Comparing Assistant