

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

1.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, Senior Advocate/Amicus Curiae  
assisted by Mr. S.U. Ahmed, Advocate.

: Mr. H.K. Das, Advocate.

For the Respondent(s) : Mr. D. Saikia, Advocate General, Assam assisted by Ms. P.  
Barua, Advocate.

: Mr. S. Bora, Standing Counsel, GMC and GMDA.

: Ms. N. Bordoloi, Standing Counsel, Revenue Department.

**- B E F O R E -**

**HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR**

**HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY**

**24.10.2025**

*(Ashutosh Kumar, CJ)*

We have heard Mr. K.N. Choudhury, learned Senior Advocate (*Amicus*) and Mr. D. Saikia, learned Advocate General, Assam.

**2.** The thumb rule regarding the principle of drainage system is that water seeks its own level and flows from a higher level to a lower level, provided it has access to uninterrupted free flow.

This may sound pedantic and/or reflecting a narrow view but includes within it the associated problems leading to artificial flooding.

**3.** Rise of new settlements in low lying areas; hill cutting in hilly areas for settlement; absence of long term planning for drainage in the city and around; and reckless construction activities have contributed to the problems not only in Guwahati but elsewhere as well.

**4.** The question is how to arrest and control it.

**5.** This Public Interest Litigation (PIL) has flagged issues relating to artificial flooding in the Guwahati region, ascribing this to primarily earth cutting activities in and around the city.

**6.** By the aforesaid PIL, the petitioner/NGO has sought judicial intervention to address the issues in a composite manner at a high level.

**7.** There have been continuous illegal earth cutting activities and rampant encroachments, which have further exacerbated the problem.

**8.** The issue was appreciated in the right perspective in this PIL and successively, we find, that efforts have been taken to control such illegal activities which have caused flooding and since the origin of the problem dates back to several decades, attempts have been made to formulate a long term sustainable strategy for improving the drainage and restricting the factors, which have contributed to such banes of artificial flooding, thereby causing an environmental apocalypse.

**9.** The learned *Amicus* has brought to the notice of the Court the proposals for mitigation of the problems and for tackling artificial flooding of Guwahati city, formulated by a retired I.F.S. Officer.

**10.** We have gone through the same, which actually traces the history and the geography of the natural drainage of Guwahati city, the problems caused by the diversion of the course of 2(two) rivers flowing through the city and the disruption of the river systems by natural and man-made causes. It has also taken into account the activities in the neighbouring State of Meghalaya, where there has been reckless hill cutting and extraction of soil for commerce.

**11.** The suggestions for controlling the problems are the detection of defective drainage through elevation profile analysis; Digital Terrain Modelling (DTM) for laying an efficient drainage system; river and stream rejuvenation; preparation of a comprehensive drainage map; restructuring of Guwahati drainage management system; installation of

pumping stations and rain water collection ponds; exploring the possibility of alternate drainage outlets; more importantly, efforts towards using modern techniques to trap soil run-off from the hills; adoption of an efficient garbage collection and disposal system; promotion of rain water harvesting system with perforated bottom drains; and a combination of long, short and intermediate measures for immediate relief, like, installation of sluice gates at the mouth of the water bodies; upgrading the civic administration; connecting of existing drains to the nearest natural drainage; scrapping and desiltation of the drainage and setting up of sump-houses; laying of storm water drain at appropriate places, as also rain water harvesting.

**12.** Today, the learned *Amicus* has pointed out that if some legislative/regulatory measures are adopted by the State, the long term efforts aimed at curing the problem would get a great boost.

Some suggestions are that there should be a complete ban of building activities at least for a couple of years; all hill cutting should be banned in greater Guwahati; reserve forests and hill areas be freed of encroachments and projects for storm water drainage, arresting the surface run-off of the soil coupled with rejuvenation of water bodies, would go a long way in controlling the problem.

**13.** The learned Advocate General, Assam, without objecting to such suggestions, has pointed out that the State has taken up the matter in right earnest and has tried to address the issues; both by a long term sustainable plan as also short term projects, for removal of encroachment from forest areas and tightening of the implementation of the building

bye-laws.

**14.** With respect to the drainage plan, the Government floated tender for bringing in an expert body for consultancy services for preparation of GIS-based comprehensive Drainage Master Plan and the Detailed Project Report (DPR) for Guwahati city in the State of Assam.

Pursuant to such an exercise, several expert bodies applied and by a detailed and elaborate process, a Dutch Company by the name of Royal Haskoning DHV Consultancy Private Limited, has been selected.

The Agency, referred to above, has completed the Detailed Project Report for the Bahini river basin and the Government, for implementing the Project, has sought to garner funds from the Asian Development Bank (ADB).

The proposed project's cost is estimated at Rs.183 Crores.

**15.** The learned Advocate General, Assam has further informed this Court that the Project Report, referred to above, has been accepted, in principle, by the Asian Development Bank and presently the Ministry of Housing and Urban Affairs, Government of India is at the job of technical vetting and approval.

**16.** To name some of the proposed major interventions, it has been pointed out that the project would involve diversion of storm water from the Meghalaya catchment along the National Highway to Pamohi river; the carrying capacity of Bahini river would be enhanced by construction of retention walls and slope constructions; creation of a

retention pond with a provision for pumping water to Silsako Beel; quick evacuation of water from Rukminigaon by increasing the pumping capacity; creation of additional drains at designated places; and creation of silt trap at appropriate places for minimizing sediment deposition.

In an effort to procure funds for the same, the Government has also contacted the Natural Disaster Management Authority, which has promised help of approximately Rs.200 crores for mitigation of floods across the Guwahati city.

**17.** The learned Advocate General, Assam has, however, very candidly pointed out that all these steps shall take some time to show its effect. For preparation of a sustained long term drainage master plan, a survey is being carried out by latest technologies for an accurate and comprehensive data collection, which will take some time.

The State is sanguine that with dedicated efforts at controlling these issues with scientifically backed interventions across the State and particularly Guwahati city is definitely going to bring positive results.

**18.** During the course of arguments, Mr. H.K. Das, learned Advocate has pointed out that one Gurukul Grammar Senior Secondary School, situated near Zoo-Narengi Road, Geetanagar (Guwahati) is now being converted into a multi-storeyed building by cutting of neighbouring hills. The exercise is dangerous for the residents at the foothills, as such reckless hill cutting could lead to landslide and collapse of the building in rainy season or damage even by a mild tremor of any

seismic activity beneath the earth. He has further submitted that several representations were made to the authorities but all such entreaties have fallen on deaf ears.

Since the State of Assam is earthquake prone, with about 25 earthquakes in the North East region only in the month of March, 2025, such construction activity has to be controlled and before that, it has to be verified whether the construction is being carried out after all the environmental and other clearances.

**19.** We would require an updated status report on the projects said to have been initiated by the State towards carrying out the project for arresting the artificial flooding in the Guwahati city, by the next date.

**20.** The learned Advocate General, Assam shall also look into the issue raised by Mr. H.K. Das, learned Advocate and shall submit a report in the updated affidavit.

**21.** Re-notify on **28.01.2026**.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**