

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 : Mr. K.N. Choudhury, Sr. Advocate/Amicus Curiae, assisted by Mr. S.U. Ahmed, Advocate.

: Mr. H.K. Das, Advocate/Intervenor.

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

: Ms. N. Bordoloi, Standing Counsel, Revenue & Disaster Management Department.

- B E F O R E -
HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

11.02.2026

(Ashutosh Kumar, CJ)

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

2. In the order dated 24.10.2025, this Court had listed the suggestions given by the learned Amicus for improving the artificial flooding in low lying areas in the city of Guwahati and the long-term plan for the improvement of drainage.

3. Mr. D. Saikia, learned Advocate General, Assam had responded to such suggestions made by the learned Amicus positively and submitted that steps have been taken towards the desired goal but some time would be taken for the results to come to the fore. It was also indicated by the learned Advocate General that for preparation of a sustained long-term drainage master plan, a survey is being carried out by the latest technology for an accurate comprehensive data collection which also is time consuming.

4. While the argument was being made on behalf of the parties, on the last occasion, Mr. H.K. Das, learned Advocate had pointed out that one Gurukul Grammar Senior Secondary School situated near Zoo-Narengi Road, Geeta Nagar, Guwahati was being converted into a multi-storied building by cutting of neighbouring hills. He had submitted that the exercise undertaken by the School Authorities was imminently dangerous for the residents near the foothills. There could be a strong

possibility of landslide and collapse of the building in rainy season. Even a mild earthquake tremor, this Court had noted, would lead to disastrous results.

5. In the wake of these facts, this Court had requested the learned Advocate General, Assam to file an updated status report on the Projects initiated by the State towards carrying out the project for arresting the artificial flooding in the city of Guwahati as also regarding the construction of the multi-storied building of Gurukul Grammar Senior Secondary School.

6. Pursuant to such a direction, an affidavit, sworn by the Deputy Secretary to the Government of Assam (Department of Housing & Urban Affairs), has been filed indicating that the DGPS-cum-drone survey for the drainage network of Guwahati city, covering all 6(six) river basins, is being carried out and the hydraulic modeling study also is in progress.

The affidavit further states that out of the 6(six) basins, the Detailed Project Report (DPR) for the Bahini basin has been completed. A part of the Project cost amounting to Rs.183.99 Crores under the Assam Urban Sector Development Project has also been submitted and is proposed to be funded by the Asian Development Bank (ADB) and that the drainage master plan is expected to be completed by April, 2026.

With respect to the construction in Gurukul Grammar Senior Secondary School, it has been averred that the site had been visited and it was found that the allegation was correct. The construction poses a potential threat to the nearby residents, especially in view of the site topography. No requisite permissions also have been obtained.

7. In that view of the matter, we direct for immediate stoppage of any construction works in Gurukul Grammar Senior Secondary School till the time the matter is finally heard.

8. We also deem it necessary to issue notice to Dr. Basanta Kumar Bhuyan, the owner of Gurukul Grammar Senior Secondary School and the Principal of the said School, who are permitted to be added as party respondent Nos.5 & 6, respectively, in this PIL.

9. Let notices be issued to the newly added respondent Nos.5 & 6, on steps being taken by Mr. H.K. Das, learned Advocate/Intervenor.

10. A fresh memo of parties arraigning the newly added respondents shall be filed in the Registry within a period of 3(three) days, whereafter on the deposit of requisites, notices shall be issued.

11. We further make it clear that till the next date, no construction work of the building and the boundary wall of the School in question shall be undertaken and it would be open for the State Authorities to take further corrective action after observing the formalities of law in that regard.

12. Re-notify on **06.05.2026**.

JUDGE

CHIEF JUSTICE

Comparing Assistant