

GAHC010077602025



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

Case No. : WP(C)/2087/2025

NURUL HOQUE LASKAR
S/O- ABDUL SUBBUR LASKAR, VILL- GANGANAGAR PART III, P.O-
GONGANAGAR, P.S- KOCHUDHARAM, DIST- CACHAR, ASSAM, PIN-788099

VERSUS

THE STATE OF ASSAM AND 7 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, ENVIRONMENT AND FOREST DEPARTMENT,
DISPUR, GUWAHATI-06

2:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS
WILDLIFE AND CHIEF WILDLIFE WARDEN
ASSAM
ARANYA BHAWAN
PANJABARI
GUWAHATI-781037

3:THE CHIEF CONSERVATOR OF FORESTS
SOUTHERN ASSAM CIRCLE
SILCHAR
DIST- CACHAR
ASSAM
PIN-788001

4:THE DIVISIONAL FOREST OFFICER
DOOMDOOMA FOREST DIVISION
DOOMDOOMA
DIST- TINSUKIA
ASSAM
PIN-786151

5:THE DIVISIONAL FOREST OFFICER
CACHAR FOREST DIVISION
SILCHAR
P.O.- SILCHAR
DIST- CACHAR
ASSAM
PIN-788001

6:THE RANGE FOREST OFFICER
MONIERKHAL RANGE
SONAI
CACHAR
ASSAM
PIN-788099

7:GUPENDRA MORAN
S/O LATE NANDESWAR MORAN
R/O SONJAN TONGANA
BORDUMSA
DIST- TINSUKIA
ASSAM
PIN-786152

8:FAKRUL ISLAM BARBHUIYA
S/O LATE IRFAN ALI BARBHUIYA
VILL- KANAKPUR PART-I
P.O.- KANAKPUR
P.S.- SILCHAR
DIST- CACHAR
ASSAM
PIN-78800

Advocate for the Petitioner : MR. S B LASKAR, S.U. CHOUDHURY,A. H. AHMED,MS D
DUTTA,MR. H A LASKAR,MR. A S TAPADER

Advocate for the Respondent : SC, FOREST,

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

23.04.2025

1. Heard Mr. S. B. Laskar, learned counsel for the petitioner. Also heard Mr. D.

Gogoi, learned Standing Counsel, Forest Department representing the respondents.

2. The basic grievance raised in this writ petition is that inspite of the specific order issued by the Principal Chief Conservator of Forests, Wildlife & Chief Wildlife Warden, Assam, the Divisional Forest Officer, Doomdooma Forest Division has not handed over the elephant to the petitioner.
3. In view of the aforesaid contention, this Court requested the learned Standing Counsel for the Forest Department to obtain instruction as to why the elephant in question is not released by the DFO, inspite of the order of the higher authorities.
4. Mr. Gogoi, learned Standing Counsel on instruction produced certain WT message, which prima facie suggest that the petitioner namely, Nurul Haque Laskar, the owner of the captive elephant, one Md. Safar Ali Laskar, the 1st attorney holder and one Md. Badar Uddin Laskar, the 2nd attorney holder were served with WT message asking them to appear in person before the DFO.
5. It is also contention of Mr. Gogoi, learned Standing Counsel for the respondent that the 2nd attorney holder infact responded to the aforesaid WT message and sought time to appear before the DFO, Doomdooma Forest Division.
6. Mr. Gogoi, learned Standing Counsel for the Forest Department also submits that the elephant was taken to Arunachal Pradesh by the respondent No. 7 without due permission and it was caught by the Forest Department in Arunachal Pradesh and it is under custody of the said authority as at present.
7. A copy of the aforesaid WT messages including the reminders are handed over the petitioner who in turn shall file an additional affidavit in this regard.
8. List this matter again 13.05.2025 in the motion column.

9. In the meantime, Mr. Gogoi, learned Standing Counsel shall obtain written instructions from the DFO, Doomdooma Forest Division as well as from the Principal Chief Conservator of Forests, Wildlife & Chief Wildlife Warden, Assam, including the fact whether the elephant was in custody of the DFO as claimed by the petitioner, and if so, how the same was taken by respondent No. 7 to Arunachal Pradesh.

JUDGE

Comparing Assistant