

GAHC010089622024



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

Case No. : WP(C)/2614/2024

MD. JURAN ALI AHMED AND ANR
S/O- HAZI TAZUDDIN,
R/O A K AZAD PATH,
SHAHNAGAR, HATIGAON,
GUWAHATI, DIST.- KAMRUP(M),
ASSAM, PIN- 781038.

2: NURUL ISLAM
S/O- LATE HAKIM ALI

R/O- KAHILIPARA
JANAKPUR

NEAR JOURNALISH COLONY

GUWAHATI
DIST.- KAMRUP(M)

ASSAM
PIN- 781019

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
FOREST AND ENVIRONMENT DEPARTMENT,
DISPUR, GUWAHATI- 781006

2: THE PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HEAD OF
FOREST FORCE
ARANYA BHAWAN
PANJABARI
GUWAHATI- 781037.

3:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
MINES AND MINERALS DEPARTMENT
DISPUR
GUWAHATI- 781006.

4:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
HOUSING AND URBAN AFFAIRS DEPARTMENT
DISPUR
GUWAHATI- 781006.

5:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
MINES AND MINERALS DEPARTMENT
DISPUR
GUWAHATI- 781006.

6:THE JOINT DIRECTOR TO THE GOVERNMENT OF ASSAM
MINES AND MINERALS DEPARTMENT
DISPUR
GUWAHATI- 781006.

7:THE GUWAHATI MUNICIPAL CORPORATION
REPRESENTED BY ITS COMMISSIONER

UZANBAZAR
GUWAHATI- 781001.

8:THE GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY (GMDA)
REPRESENTED BY THE CHIEF EXECUTIVE OFFICER

BHANGAGARH
ASSAM
GUWAHATI- 781005

Advocate for the Petitioner : MR. S A AHMED

Advocate for the Respondent : SC, FOREST

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

20.05.2024

Heard Mr. S.A. Ahmed, learned counsel for the petitioners, who submits that the two (2) petitioners are constructing their own residential houses and for procuring the building materials, the respondent authority concerned has demanded Forest Royalty to be paid in four (4) installments. Referring to the Assam Minor Minerals Concession (Amendment) Rules, 2021, the learned counsel submits that the royalties are collected from Urban Local Bodies and not from private individuals. Since the petitioners are purchasing the materials from the vendors, he is not required to pay further royalty and therefore, the demand for royalty should be interfered with by this Court. The learned counsel submits that in a case of similar nature, this Court vide Order dated 12.04.2023 passed in WP(C) No. 2040/2023 has stayed the impugned demand for royalty from members of the petitioner Association in that case. He therefore submits that a similar order may be passed in the instant writ petition.

In view of above, issue notice of motion, returnable by four (4) weeks. Mr. R.R. Gogoi, learned counsel appears and accepts notice on behalf of respondent Nos. 1 & 2. Ms. A. Borthakur, learned counsel appears on behalf of Mr. P. Nayak, learned counsel and accepts notice on behalf of respondent Nos. 7 & 8. Petitioners to take

steps for service of notice upon the remaining respondents by registered post with A/D due within three (3) days.

Having regard to the projection made, it is hereby provided that the respondent authority concerned shall not demand deposit of Forest Royalty in order to grant building permit to the petitioners.

List the matter again after four (4) weeks.

JUDGE

Comparing Assistant