

GAHC010096082025



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

Case No. : WP(C)/2510/2025

SRI MASHARRAF HUSSAIN CHOUDHURY
S/O- LATE ABUL HUSSAIN CHOUDHURY,
R/O- MERIMA APARTMENT , FLAT NO-103, AJANTA PATH, BYE LANE
-ELORA PATH, P.O AND P.S- HATIGAON, GUWAHATI, ASSAM, PIN-781038.

VERSUS

THE STATE OF ASSAM AND OTHERS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF
ASSAM, , ENVIRONMENT AND FOREST DEPARTMENT, DISPUR,
GUWAHATI-06

2:THE DEPUTY SECRETARY
TO THE GOVT OF ASSAM

ENVIRONMENT AND FOREST DEPARTMENT
DISPUR
GUWAHATI-06

3:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST
AND HEAD OF FOREST FORCE
ASSAM
PANJAVBARI
GUWAHATI-37

4:THE DIVISIONAL FOREST OFFICER
KAMRUP WEST DIVISION
BAMUNIGAON
ASSA

Advocate for the Petitioner : MR. R MAZUMDAR, S BORPUJARI,MR. R DEKA,MS T
WAPANGLA,MRS P RAI

Advocate for the Respondent : SC, FOREST,

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 27.02.2026

Heard Mr. N. J. Khataniar, learned counsel for the petitioner at some length.

It is noted that the affidavit on behalf of the State respondents has not been brought on record although on the last 04 dates of listing, a prayer was made for adjournment of the case to enable the Forest Department to file its return.

This Court vide order dated 29.10.2025, while accepting the prayer of the learned Standing Counsel, Forest Department, for bringing on record their stand by way of filing an FR had emphasized that the return should be positively filed by the next date of listing.

On 15.12.2025, Mr. I. Borthakur, learned Standing Counsel, Forest Department, had prayed for further time to file an affidavit. This Court while granting time had observed that in the event of failing to file the affidavit by the respondents, this Court would proceed to hear and dispose of the matter on the basis of the materials already available on record. It is seen that even today the affidavit has not been brought on record by the respondents.

Mr. I. Borthakur, learned Standing Counsel, Forest Department, prays that he be granted time till 10.03.2026 to bring on record the

affidavit. The said prayer is accepted subject to the payment of Rs.5000/-(Rupees Five Thousand) only for the default occasioning in filing the affidavit by the Forest Department. The said amount be deposited with the Registry. The Registry on receipt of the said amount shall forward the same to the fund of "Gauhati High Court (Principal Seat) Employees Association".

The affidavit being filed, the petitioner may file its rejoinder thereto on or before 17.03.2026.

Registry to list this matter again on **24.03.2026**.

JUDGE

Comparing Assistant