

GAHC010220222012



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

Case No. : PIL/78/2012

PRODYUT KUMAR BORA
S/O SRI LAKSHMIKANTA BORA R/O TILIKIAM, BEZGAON P.S. PULIBOR,
DIST. JORHAT, ASSAM.

VERSUS

THE STATE OF ASSAM AND 8 ORS
REP. HEREIN BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM,
SACHIVALAYA, DISPUR, GUWAHATI- 781006.

2:THE SECRETARY TO THE GOVT. OF ASSAM

SACHIVALAYA
DISPUR
GUWAHATI- 781006.

3:THE SECRETARY TO THE GOVT. OF ASSAM
WELFARE OF PLAINS TRIBES AND BACKWARD CLASS DEPT.
SACHIVALAYA
DISPUR
GUWAHATI- 781006.

4:THE DEPUTY COMMISSIONER

KAMRUP METRO.

5:THE DEPUTY COMMISSIONER
KAMRUP
NORTH GUWAHATI.

6:THE DEPUTY COMMISSIONER

DHEMAJI
DIST. DHEMAJI.

7:THE DEPUTY COMMISSIONER

TINSUKIA
DIST. TINSUKIA.

8:THE DEPUTY COMMISSIONER

GOALPARA
DIST. GOALPARA.

9:THE DEPUTY COMMISSIONER

MORIGAON
DIST. MORIGAON.

10:MARKUSH BASUMATARY
S/O- LT. RAJENDRA BASUMATARY
R/O VILL.- SOUTH GANDABIL
V.C.D.C. AMGURI
P.S.- AMGURI
DIST.- CHIRANG
BTAD
ASSAM.

11:THE B.T.C.
REP. BY THE PRINCIPAL SECY.
B.T.C.
KOKRAJHAR
DIST.- KOKRAJHAR
ASSAM.

12:THE PRINCIPAL SECY.
B.T.C.
KOKRAJHAR
ASSAM.

13:NOOR MAHAMMAD
SON OF LATE ABDUL KARIM
RESIDENT OF VILLAGE - AMARAGURI
P.O. JALAKIA BARI
P.S. LAHORIGHAT
DISTRICT - MORIGAON
ASSAM.

14:MUSLEM UDDIN

SON OF LATE JUBED ALI
RESIDENT OF VILLAGE - AMARAGURI
P.O. JALAKIA BARI
P.S. LAHORIGHAT
DISTRICT - MORIGAON
ASSAM.

15:MAHAMMAD ALI
SON OF LATE SADAR ALI
RESIDENT OF VILLAGE - AMARAGURI
P.O. JALAKIA BARI
P.S. LAHORIGHAT
DISTRICT - MORIGAON
ASSAM.

16:JAHED ALI
SON OF LATE MAJAM ALI
RESIDENT OF VILLAGE - AMARAGURI
P.O. JALAKIA BARI
P.S. LAHORIGHAT
DISTRICT - MORIGAON
ASSAM.

17:NAZRUL ISLAM
SON OF LATE OCHAM ALI
RESIDENT OF VILLAGE - AMARAGURI
P.O. JALAKIA BARI
P.S. LAHORIGHAT
DISTRICT - MORIGAON
ASSAM.

18:ANSARUL ISLAM
SON OF LATE IZZAT ALI
RESIDENT OF VILLAGE - BARBARI
P.O. BARBARI
P.S. LAHORIGHAT
DISTRICT - MORIGAON
ASSAM.

19:NUR UDDIN

SON OF LATE IZZAT ALI
RESIDENT OF VILLAGE - BARBARI
P.O. BARBARI
P.S. LAHORIGHAT
DISTRICT - MORIGAON
ASSAM.

20:RAMJAN ALI
SON OF LATE JANAB ALI
RESIDENT OF VILLAGE - BARBARI
P.O. BARBARI
P.S. LAHORIGHAT
DISTRICT - MORIGAON
ASSAM.

21:MD. KHAJAL UDDIN
SON OF LATE JAHUR ALI
RESIDENT OF VILLAGE - BARBARI
P.O. BARBARI
P.S. LAHORIGHAT
DISTRICT - MORIGAON
ASSAM.

22:JABED ALI
SON OF LATE MANNAS ALI
RESIDENT OF VILLAGE - BARBARI
P.O. BARBARI
P.S. LAHORIGHAT
DISTRICT - MORIGAON
ASSAM.

23:ABDUL ZALIL CHOUDHURY
SON OF LATE FAIZUDDIN AHMED
RESIDENT OF VILLAGE AND P.O. CHATIALI
P.S. LAHORIGHAT
DISTRICT - MORIGAON
ASSAM.

24:FAKAR UDDIN
SON OF LATE ABDUL HALIM
RESIDENT OF VILLAGE AND P.O. CHATIALI
P.S. LAHORIGHAT
DISTRICT - MORIGAON
ASSAM.

25:SAFIR UDDIN
SON OF LATE ABDUL JABBAR
RESIDENT OF VILLAGE AND P.O. CHATIALI
P.S. LAHORIGHAT
DISTRICT - MORIGAON
ASSAM.

26:RUHUL AMIN
SON OF LATE SAFIR UDDIN
RESIDENT OF VILLAGE AND P.O. CHATIALI

P.S. LAHORIGHAT
DISTRICT - MORIGAON
ASSAM.

27:AKTAR HUSSAIN
SON OF HASMOT ALI
RESIDENT OF VILLAGE AND P.O. CHATIALALI
P.S. LAHORIGHAT
DISTRICT - MORIGAON
ASSAM.

28:SRI JOHN DAS
S/O SRI NAKUL CHANDRA DAS
VILL.- UZIRBARI
P.O.-THAMNA
PIN-781377
DISTRICT - BAKSA (BTAD)
ASSAM.

29:SRI MADHAB RAJBONSHI
SON OF SRI ANORAM RAJBONSHI
VILLAGE AND P.O.- MERKUCHI
P.S.- BARAMA
DISTRICT- BAKSA
ASSAM
PIN-781346

Advocate for the Petitioner : P K GOSWAMI

Advocate for the Respondent : MR.U S BORA

Linked Case : WP(C)/4901/2021

M/S SUPERLITE ACC BLOCKS INDUSTRY
A REGD. PARTNERSHIP FIRM HAVING ITS OFFICE AT SHANTI SADAN
ALOK PRESS BYE LANE
NARAYAN NAGAR
KUMARPARA
GHY-09 WITH ITS FACTORY/INDUSTRIAL SHED AT VILL- SARUTARI
SONAPUR
KAMRUP (M)
REP. BY ITS PARTNER
SHRI MUKUL S. LAMARE

AGE 52 YEARS
S/O- JITEN SAHU
R/O- S.K. TOWAR
NEAR N.E. TV
A.K. AZAD ROAD
REHABARI
P.S. PALTANBAZAR
GHY-08
DIST.- KAMRUP (M)
ASSAM

VERSUS

THE STATE OF ASSAM AND 12 ORS
REP. BY COMM. AND SECY.
REVENUE AND DISASTER MANAGEMENT DEPTT.
DISPUR
GHY

2:THE DY. COMMISSIONER
KAMRUP (M) DISTRICT
GHY-01 (LAND SETTLEMENT BRANCH)
3:THE ADDL. DY. COMMISSIONER
KAMRUP (M) DISTRICT
GHY-01 (LAND SETTLEMENT BRANCH)

4:THE CIRCLE OFFICER
SONAPUR REVENUE CIRCLE
SONAPUR
KAMRUP (M)
ASSAM- 782402

5:SOBITA RONGPHARPI
D/O- KARDOM KE AAPI
W/O- SRI AJAY MAHATO
R/O- VILL- SARUTARI
P.S. SONAPUR
DIST.- KAMRUP (M)

6:DEPTT. OF INDUSTRY AND COMMERCE
GOVT. OF ASSAM
DISPUR
GHY-5

REP. BY ITS COMM. AND SECY.
7:DISTRICT INDUSTRIES AND COMMERCE CENTER (DIC)
KAMRUP

BAMUNIMAIDAM
GHY-21

REP. BY ITS GENERAL MANAGER

8:ASSAM POWER DISTRIBUTION COMPANY LTD. (APDCL)

BIJULEE BHAWAN
5TH FLOOR
PALTANBAZAR
GHY-01
REP. BY THE CHIEF GENERAL MANAGER (D)
APDCL (LAR)
9:MINISTRY OF COMMERCE AND INDUSTRY
GOVT. OF INDIA
NEW DELHI- 110001 REP. BY ITS SECY. TO THE GOVT. OF INDIA
10:NORTH EASTERN DEVELOPMENT FINANCIAL INSTITUTION (NEDFI)
HAVING ITS OFFICE AT SANKET VIHAR
SORUMOTORIA
G.S.ROAD
GHY-06
ASSAM
REP. BY ITS GENERAL MANAGER
11:PUNJAB NATIONAL BANK
A NATIONALIZED BANK REP. BY ITS CHIEF GENERAL MANAGER
FANCY BAZAR BRANCH
LIC BUILDING
S.S.ROAD
GHY-01
12:CHIEF INSPECTOR OF FACTORIES
ASSAM
NEAR NPS INTERNATIONAL SCHOOL LANE
BETKUCHI
LALUNG GAON
LOKHRA
GHY
ASSAM
13:POLLUTION CONTROL BOARD.
ASSAM

Advocate for : MR. K N CHOUDHURY
Advocate for : SC
APDCL appearing for THE STATE OF ASSAM AND 12 ORS

Linked Case : PIL/22/2019

THE NORTH EAST HERITAGE FOUNDATION AND ANR.
H.O. WARD NO.8
KOKRAJHAR TOWN
P.O. KOKRAJHAR
P.S. AND DIST- KOKRAJHAR
ASSAM- 783370
REP. BY ITS DIRECTOR

SHRI RAJKUMAR PRITHVIRAJ NARAYAN DEV MECH
AGED ABOUT 21 YEARS
S/O- PRADIP NARAYAN DEV MECH
PERMANENT R/O- GOGLAPARA
BASUGAON WARD NO. 1
P.O. AND P.S. BASUGAON
DIST- CHIRANG
BTAD
ASSAM- 783372

2: THULUNGA BASUMATARY
S/O- DASARAT BASUMATARY
EXECUTIVE DIRECTOR
NORTH EAST HERITAGE FOUNDATION
PERMANENT R/O- CHANDRAPUR
P.O. HALTUGAON
P.S. AND DIST- KOKRAJHAR
ASSAM- 783370
VERSUS

THE UNION OF INDIA AND 10 ORS.
TO BE REP. BY THE SECY.
MINISTRY OF HOME AFFAIRS
INDIA
NORTH BLOCK
NEW DELHI- 110001

2:THE CHIEF ELECTION COMMISSIONER
ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN
ASHOKA ROAD
NEW DELHI- 110001

3:THE STATE OF ASSAM
TO BE REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPTT.
DISPUR
GHY-6

4:THE CHIEF ELECTORAL OFFICER
ASSAM
DISPUR
GHY-6

5:THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPTT.
DISPUR
GHY-6

6:THE BODOLAND TERRITORIAL COUNCIL (BTC)
REP. BY THE PRINCIPAL SECY.
BTC

KOKRAJHAR
ASSAM- 783370
7:THE SECRETARY
LAND REVENUE AND DISASTER MANAGEMENT
BTC

KOKRAJHAR
ASSAM- 783370
8:THE DY. COMMISSIONER

KOKRAJHAR
P.O. KOKRAJHAR
ASSAM- 783370
9:THE DY. COMMISSIONER

CHIRANG
P.O. KAJALGAON
ASAM- 783385
10:THE DY. COMMISSIONER

BAKSA
P.O. MUSHALPUR
ASSAM- 781377

11:THE DY. COMMISSIONER
UDALGURI
P.O. UDALGURI
ASSAM- 784509

Advocate for : MR. N H BARBHUIYA
Advocate for : ASSTT.S.G.I. appearing for THE UNION OF INDIA AND 10 ORS.

Linked Case : WP(C)/3025/2023

SMT. INDRA BASUMATARY AND 24 ORS.
D/O- LT. GOPINATH BASUMATARY

VILL- TILAPARA

P.O. - BANGALDOBA

P.S. - BASUGAON
DIST.- CHIRANG
ASSAM

2: BIREN NARZARY
S/O- LT. UDA NARZARY

VILL- TATTARA

P.O. - KASHIKOTRA

P.S. - SIDLI
DIST.- CHIRANG
ASSAM

3: BIMAL BASUMATARY
S/O- LT. SABARAM BASUMATARY

VILL- PURBA SHAYMTHAIBARI

P.O. - GURUBHASA

P.S. - SIDLI
DIST.- CHIRANG
ASSAM

4: BUDISWAR BASUMATARY
S/O- LT. DEBEN BASUMATARY

VILL- PURBA SHAYMTHAIBARI

P.O. - GURUBHASA

P.S. - BASUGAON
DIST.- CHIRANG
ASSAM

5: ANSUMA BASUMATARY
S/O- LT. KAGEN BASUMATARY
VILL- PURBA SHAYMTHAIBARI

P.O. - GURUBHASA

P.S. - BASUGAON
DIST.- CHIRANG
ASSAM

6: SUBHASH BASUMATARY
S/O - LATE SUKUR SINGH BASUMATARY

VILL- PURBA SHAYMTHAIBARI

P.O. - GURUBHASA

P.S. - BASUGAON
DIST.- CHIRANG
ASSAM

7: DUMBRU BASUMATARY
S/O - LATE JANGYA BASUMATARY

VILL- PURBA SHAYMTHAIBARI

P.O. - GURUBHASA

P.S. - BASUGAON
DIST.- CHIRANG
ASSAM

8: PRAKASH BASUMATARY
LEGAL HEIR OF LT. PRADIP BASUMATARY

S/O - LATE SAITOBAN BASUMATARY

VILL- HOLTU GAON TINIALI

P.O. - TINIALI

P.S. - KOKRAJHAR
DIST.- KOKRAJHAR
ASSAM

9: RANJIT BASUMATARY
S/O - LATE DANSING BASUMATARY

VILL- KOSUGAON

P.O. - KOSUGAON

P.S. - KOSUGAON
DIST.- KOKRAJHAR
ASSAM

10: AJIT BASUMATARY
S/O - LATE GENDESWAR BASUMATARY

VILL- NIMAGAON (DEULGURI)

P.O. - RANCHAIDHAM

P.S. - BASUGAON
DIST.- CHIRANG
ASSAM

11: PROMOD BASUMATARY
S/O- SURGA BASUMATARY

VILL- GHOKPARA

P.O. - CHAMPABATI BAZAR

P.S. - SIDLI
DIST.- CHIRANG
ASSAM

12: ANEN BASUMATARY
S/O- LT. RABIRAM BASUMATARY

VILL- MULABARI

P.O. - KARIGAON

P.S. AND DIST.- KOKRAJHAR
ASSAM

13: BIJEN BASUMATARY
S/O - LT. GOIYA BASUMATARY

VILL- AND P.O. - SANTIPUR

P.S. RUNIKATA
DIST. CHIRANG
ASSAM

14: JATIN BASUMATARY
S/O - LT. MOTILAL BASUMATARY

VILL- BENGTOLE DHOLAPARA

P.O. - BENGTOLE

P.S. RUNIKHATA

DIST.- CHIRANG
ASSAM

15: SOMENDRA BASUMATARY
S/O - LT. MOTILAL BASUMATARY

VILL- BENGTOLE DHOLAPARA

P.O. - BENGTOLE

P.S. RUNIKHATA

DIST.- CHIRANG
ASSAM

16: TANGGWNA BASUMATARY
S/O - LT. GUDAM BASUMATARY

VILL- GHOP PARA

P.O. - CHAMPABOTI BAZAR

P.S. SIDLI

DIST.- CHIRANG
ASSAM

17: DHAJEN BORO
S/O- LT. BISHNU BORO

VILL- CHAMPA BALABARI
P.O. - CHAMPA

P.S. - SIDLI
DIST.- CHIRANG
ASSAM

18: NAGA BASUMATARY
S/O- LT. LT. RAMESWAR BASUMATARY

VILL- BIJNI
P.O. - BIJNI

P.S. - BIJNI
DIST.- CHIRANG
ASSAM

19: PAROHIT BASUMATARY
S/O- LT. NAIYA RAM BASUMATARY

VILL- AMLAIGURI

P.O. - CHAMPA

P.S. - SIDLI
DIST.- CHIRANG
ASSAM

20: DINESH BASUMATARY

S/O. LT. SIVSWORON BASUMATARY

VILL- LAORIPARA

P.O. GAUBHASA

P.S. SIDLI
DIST. CHIRANG
ASSAM

21: SWMBLA BASUMATARY
S/O- LT. YATRA BASUMATARY
VILL- MOZABARI

P.O. MOZABARI

P.S.- SIDLI
DIST- CHIRANG
(BTC)
ASSAM

22: SMT. BISARI BASUMATARY
W/O- ANANDA BASUMATARY

VILL- GENDER GAON

P.O. SIDLI

P.S.- SIDLI
DIST- CHIRANG
(BTC)
ASSAM

23: RABINDRA BASUMATARY
S/O- LT. RUPNATH BASUMATARY
VILL- UTTAR DEULGURI

P.O. RANCHAIDHAM

P.S.- SIDLI
DIST- CHIRANG
(BTC)
ASSAM

24: MADHURAM BASUMATARY
S/O- LT. RUPNATH BASUMATARY
VILL- UTTAR DEULGURI

P.O. RANCHAIDHAM

P.S.- SIDLI
DIST- CHIRANG (BTC)
ASSAM

25: ATUL CH. BASUMATARY
S/O- LT. BIDAM BASUMATARY
VILL- EAST SHYMTHAIBARI

P.O. GARUBHASA

DIST- CHIRANG
(BTC)
ASSAM
VERSUS

THE BODOLAND TERRITORIAL COUNCIL AND AND 56 ORS.
REPRESENTED BY THE PRINCIPAL SECRETARY
BTC
P.O. AND DIST. KOKRAJHAR
PIN - 783370

2:THE SECRETARY
BODOLAND TERRITORIAL COUNCIL
LAND REVENUE AND DISASTER MANAGEMENT DEPARTMENT
BTC
BODOFA NWGWR
KOKRAJHAR
PIN - 783370

3:THE DEPUTY COMMISSIONER
KAJOLGAON

DISTRIC- CHIRANG
(BTC) ASSAM

4:THE CIRCLE OFFICER
SIDLI REVENUE CIRCLE

SIDLI
DISTRICT-CHIRANG
(BTC)
ASSAM

5:MD. ASMOD ALI DEUYAN
S/O- LT. BANDESH ALI

6:MD. KASEM ALI DEUYAN
S/O- LT. BANDESH ALI

7:MD. NUR ISLAM DEUYAN
S/O- LT. SAHED ALI

8:MD. KODUSH ALI MIYA
S/O- LT. RAMJAN ALI

9:MD. KASEM ALI MIYA
S/O- LT. SANDU ALI MIYA
10:MD. ABDUL BAKKA MIYA
S/O- KODUSH ALI MIYA
11:MD. EBRAHIM ALI MIYA
S/O- LT. SAHED ALI
12:MD. MALEK ALI
S/O- LT. BANDESH ALI
13:MD. AMZAD ALI
S/O- LT. BANDESH ALI
14:MD. AJMAL HOK KONDOKAR
S/O- SOMED ALI KONDOKAR
15:MD. MOJIBAR KHAN
S/O- MALEK KHAN
16:MD. JAMIR KHAN
S/O- SAN KHAN
17:MD. SHIDIK ALI DEUYAN
S/O- AKEL ALI
18:MD. HURMUJ ALI
S/O- AKEL ALI
19:MD. DEUYAN NOUSHAD
S/O- AKEL ALI
20:MD. SUKUR MAMUD DEUYAN
S/O- FAJAR DEUYAN
21:MD. MANNAN ALI DEUYAN
S/O LT. RAMEJUDDIN DEUYAN
22:MD. JAHEDUL ISLAM
S/O LT. RAMEJUDDIN DEUYAN
23:MD. KITAP ALI MIYA
S/O- LT. RAMJAN ALI MIYA
24:MD. MOHIRUDDIN
S/O. LT. JOMEJUDDIN DEUYAN
25:MD.JAHIRUL DEUYAN
S/O. LT. JEMEJUDDIN DEUYAN
26:MD. SUKUM UDDIN DEUYAN
S/O. LT. JOMEJUDDIN DEUYAN
27:MD. SHAMAN UDDIN DEUYAN
S/O- LT. SHIBAR UDDIN DEUYAN
28:MD. SATOR ALI DEUYAN
S/O- SADEK ALI DEUYAN
29:MD. NOSHAT ALI DEUYAN
S/O- LT. DIN ALI
30:MD. HORMUJ KHAN
S/O- LT. RUNGU KHAN
31:MD. JAJUM UDDIN
S/O- SOHOR ALI
32:MD. NUROL ISLAM MIYA
S/O- LT. SAHED ALI

33:MD. JAKIR HUSSAIN
S/O- AMIN UDDIN
34:MD. AKTAR HUSSAIN
S/O- LT. AMIN UDDIN
35:MD. SUMEJ UDDIN
S/O- LT. SIBAR UDDIN
36:MD. AMJAD HUSSAIN KHAN
S/O-LT. MIR MAHOMOD ALI KHAN
37:MD. SAMSUL ALOM KHAN
S/O- LT. MIR MAHOMOD ALI KHAN
38:MD. MALEK KHAN
S/O- RANGGO KHAN
39:MD. KAMAL UDDIN
S/O- LT. RASHID ALI
40:MD. JAMALUDDIN MIYA
S/O- LT. RASHID ALI
41:MD. DAL MAMUD MIYA
S/O- LT. RASHID ALI
42:MD. MIR SHAHEB ALI MIYA
S/O- LT. RASHID MIYA
43:MR. SAN MAUMAD
S/O- LT. RASHID MIYA
44:MD. HAJET ALI MIYA
S/O- HAJET ALI MIYA
45:MD. KARIM ALI
S/O- HAJET ALI MIYA
46:MD. JOYAN ALI MIYA
S/O- GORI MANDAL MIYA
47:MD. ABDUL BAREK MIYA
S/O- AHMOD ALI
48:MD. EUNUSH ALI KHAN
S/O- LT. RANGGO KHAN
49:MD. ABDUL RAHMAN
S/O- LT. RANGGO KHAN
50:MD. HASEN ALI ROHOMAN
S/O- S/O- LT. RANGGO KHAN
51:MD. BHASN ALI DEUYAN
S/O- HASEN ALI
52:MD. NABIBAR ALI DEUYAN
S/O- BHASAN ALI
53:MD. HABIBAR ALI DEUYAN
S/O- BHASAN ALI DEUYAN
54:MD. INAL MIYA DEUYAN
S/O- LT. ABDUL AJIJ
55:MD. AJISH MIYA DEUYAN
S/O- LT. ABDUL AJIJ
56:MD. JOYNAL ALI MIYA
S/O- LT. GORI ALI MIYA

57:MD. JOYNUDDIN ALI MIYA
S/O- LT. GORI MIYA.
ALL ARE THE RESIDENTS OF VILLAGE MOZABARI
P.O. AND P.S. SIDLI
DIST.- CHIRANG
ASSAM PIN CODE - 783373

For the petitioners : Mr. D.J. Das, Advocate
in WP(C) 4901/2021
Mr. R. Dhar, Advocate
in WP(C) 3025/2023

For the respondents : Mr. D. Saikia, Advocate General, Assam
Ms. R.B. Bora,
Standing Counsel, BTC,
Mr. R. Borpujari,
Standing Counsel, Revenue
Mr. J.M.A. Choudhury, Advocate
Mr. N.N.B. Choudhury, Advocate

– B E F O R E –

HON'BLE THE CHIEF JUSTICE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

12-09-2023

Mr. D. Saikia, learned Advocate General submits that he needs some more time to file formal application in terms of the proceedings dated 24.08.2023.

Re-notify on **26.09.2023**.

The interim order passed in WP(C) 4901/2021 shall continue till the next date of listing.

JUDGE

CHIEF JUSTICE

Comparing Assistant