

GAHC010127772022



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

Case No. : WP(C)/4369/2022

IMRAN HUSSAIN AND 11 ORS
S/O. YEASIN ALI, VILL. DEOPUR, P.O. TILLABAZAR, DIST. KARIMGANJ,
ASSAM.

2: ARATI DEB (RISHI)
W/O. RAJU DEB
VILL. KHALACHARA
P.O. TILLABAZAR
P.S. KARIMGANJ
DIST. KARIMGANJ
ASSAM.

3: ZAKIR HUSSAIN
S/O. LT. ABDUL NOOR
VILL. DEOPUR
P.O. TILLABAZAR
P.S. KARIMGANJ
DIST. KARIMGANJ
ASSAM.

4: ABDUL BATIN
S/O. LT. TABARAK ALI
VILL. DEOPUR
P.O. TILLABAZAR
P.S. KARIMGANJ
DIST. KARIMGANJ
ASSAM.

5: ALI HUSSAIN
S/O. LT. ABDUL SATTAR
VILL. CHANDSRIKUNA
P.O. TILLABAZAR
P.S. KARIMGANJ
DIST. KARIMGANJ

ASSAM.

6: SUDHIR DAS
VILL. CHANDSRIKUNA
P.O. TILLABAZAR
P.S. KARIMGANJ
DIST. KARIMGANJ
ASSAM.

7: ABDUL MUMIT
S/O. SAYAD ALI
VILL. DEOPUR
P.O. TILLABAZAR
P.S. KARIMGANJ
DIST. KARIMGANJ
ASSAM.

8: SAYAB ALI
S/O. LT. KHUSHID ALI
VILL. DEOPUR
P.O. TILLABAZAR
P.S. KARIMGANJ
DIST. KARIMGANJ
ASSAM.

9: ABDUL GAFFAR
S/O. LT. MORA MIA
VILL. DEOPUR
P.O. TILLABAZAR
P.S. KARIMGANJ
DIST. KARIMGANJ
ASSAM.

10: MUSTAFA AHMED
S/O. LT. ULFAT ALI
VILL. DEOPUR
P.O. TILLABAZAR
P.S. KARIMGANJ
DIST. KARIMGANJ
ASSAM.

11: ABDUL WAHID
VILL. DEOPUR
P.O. TILLABAZAR
P.S. KARIMGANJ
DIST. KARIMGANJ
ASSAM.

12: ABDUL LATIF
S/O. SAFIK ALI
VILL. DEOPUR
P.O. TILLABAZAR
P.S. KARIMGANJ
DIST. KARIMGANJ
ASSAM. AND ALL OTHERS VILLAGERS OF DEOPUR
CHANDSRIKONA NAD KHALACHORA

VERSUS

THE UNION OF INDIA AND 7 ORS
TO BE REP. BY ITS SECRETARY IN THE MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE, INDIRA PARYAVARAN BHAVAN,
JORBAGH ROAD, NEW DELHI.

2:THE STATE OF ASSAM

TO BE REP BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
URBAN AREA DEVELOPMENT DEPTT.
DISPUR
GUWAHATI-06.

3:THE DIRECTORATE OF TOWN AND COUNTRY PLANNING

DISPUR
GUWAHATI-06.

4:THE KARIMGANJ MUNICIPAL BOARD
TO BE REP. BY ITS CHAIRMAN
KARIMGANJ
DIST. KARIMGANJ
ASSAM.

5:THE KARIMGANJ DEVELOPMENT AUTHORITY
TO BE REP. BY ITS CHAIRMAN
KARIMGANJ
DIST. KARIMGANJ
ASSAM.

6:THE POLLUTION CONTROL BOARD

TO BE REP. BY ITS CHAIRMAN
DISPUR
GUWAHATI-06.

7:THE REGIONAL OFFICE

POLLUTION CONTROL BOARD
ITKHOLA
SILCHAR
ASSAM.

8:THE CIRCLE OFFICER

KARIMGANJ
DIST. KARIMGANJ
ASSAM

Advocate for the Petitioner : MR. A R BHUYAN

Advocate for the Respondent : ASSTT.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 29.06.2022

Heard Mr. A.R. Bhuyan, learned counsel for the petitioners; Ms. B. Sarma, learned Central Government Counsel [CGC] for the respondent no. 1; Mr. R. Talukdar, learned Junior Government Advocate, Assam for the respondent nos. 2, 3 & 8; and Mr. S. Barua, learned Standing Counsel, Pollution Control Board [PCB] for the respondent no. 6 & 7.

2. The petitioners, 12 in nos., have averred that they are inhabitants of Village - Deupur, Police Station – Karimganj, District – Karimganj. The petitioners are aggrieved by the move of the respondent authorities in starting a project under the 'Solid Waste Management Project' for construction of a 'Municipal Garbage Dumping-yard' at village Deupur. One of the contentions of the petitioners is that the Village Deupur and its surrounding areas are densely populated areas. It is the grievance of the petitioners that the respondent authorities have not even given adhered to the guidelines framed for Land Filling for final disposal of Municipal Solid Waste, as framed by Ministry of Environment, Forest & Climate Change, Government of India. According to the petitioners, they have submitted a numbers of representations before the respondent authorities in relation to the Dumping-ground for Municipal Solid Waste

highlighting their concerns but those representations have not been considered till date.

3. Issue notice of motion, returnable in 4 [four] weeks.

4. As Ms. Sarma, learned CGC has appeared and accepted notices on behalf of the respondent no. 1; Mr. Talukdar, learned Junior Government Advocate, Assam has appeared and accepted notices on behalf of the respondent nos. 2, 3 & 8; and Mr. Barua, learned Standing Counsel, PCB has appeared and accepted notices on behalf of the respondent nos. 6 & 7, no formal notices need to be issued to the said respondents. Mr. Bhuyan shall furnish requisite numbers of extra copies of the writ petition along with the annexures, to Ms. Sarma, Mr. Talukdar and Mr. Barua within 3 [three] working days.

5. The petitioner shall take steps for service of notice upon the respondent nos. 4 & 5 by registered post with A/D within a period of 3 [three] days from today.

6. The name of the learned Government Advocate, Assam be reflected in the respondents' side of the cause list.

JUDGE

Comparing Assistant