

GAHC010132622022



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

**Case No. : WP(C)/4536/2022**

MUBARAK HUSSAIN  
SON OF SRI NURUL ISLAM, RESIDENT OF VILLAGE- LAHARIGHAT,  
BOGOLIPARA GAON, POST OFFICE- CHITIAKATHI, POLICE STATION  
LAHARIGHAT, DISTRICT- MORIGAON, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE  
GOVERNMENT OF ASSAM, FOREST AND ENVIRONMENT DEPARTMENT,  
DISPUR, GUWAHATI-6.

2:PRINCIPAL CHIEF CONSERVATOR OF FOREST  
REHABARI  
GUWAHATI- 781008.

3:THE CONSERVATOR OF FOREST  
EASTERN ASSAM CIRCLE  
JORHAT.

4:THE DIVISIONAL FOREST OFFICER  
SIVASAGAR DIVISION (T)  
SIVASAGAR

**Advocate for the Petitioner : DR R C BORPATRA GOHAIN**

**Advocate for the Respondent : SC, FOREST**

**BEFORE  
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

**ORDER**

**19-04-2024**

Heard Ms. S. Borpatra Gohain, learned counsel for the petitioner, who by referring to the affidavit filed by the petitioner on 25.08.2022 has submitted that after filing of the writ petition, an order of confiscation was issued on 08.07.2022, the learned counsel for the petitioner has also submitted that the provisions of Section 49 (4), (5) & (6) of the ***Assam Forest Regulation, 1891*** have been violated.

Shri I. Barthakur, learned counsel representing the Forest Department while denying the aforesaid allegation has submitted on instructions that show-cause notice as well as summons were issued by the authorized officer before passing the order of confiscation. The relevant documents have also been placed before this Court.

In the interest of justice, let the aforesaid documents be placed on record by way of an affidavit by the Department for which 3 (three) weeks time is granted.

List on **13.05.2024**.

Interim order passed earlier to continue till the next date of listing.

**JUDGE**

**Comparing Assistant**