

GAHC010146532021



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

Case No. : WP(C)/4842/2021

EUSUF NAGAR UNNAYAN SAMITTEE
A SOCIETY DULY REGISTERED UNDER THE PROVISIONS OF THE
SOCIETIES REGISTRATION ACT 1860 HAVING ITS REGISTERED OFFICE AT
PUB BATAHGHULI, MAZAR AREA, P.O. PANJABARI, P.S. SATGAON,
GUWAHATI 781037 IN THE DIST. OF KAMRUP (M), ASSAM BEING
REGISTRATION NO. KAM(M)/248/A-28/435 AND IS DULY REPRESENTED BY
ITS (1) PRESIDENT, AKRAM AHMED SHAH AND (2) SECY., ABDUL HATIM.

VERSUS

THE ASSAM POWER DISTRIBUTION CO. LTD. (APDCL) AND 6 ORS.
BIJULEE BHAWAN, PALTAN BAZAR, GUWAHATI 1, REPRESENTED BY THE
CHAIRMAN.

2:THE GENERAL MANAGER
GUWAHATI ZONE
APDCL (LAR)
SIXMILE
GUWAHATI 22

3:THE CHIEF EXECUTIVE OFFICER
GEC/1
APDCL (LAR)
ULUBARI
GUWAHATI 07

4:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST (9T)
LOWER ASSAM ZONE
GUWAHATI-1

5:THE DIVISIONAL FOREST OFFICER
GUWAHATI
WILDLIFE DIVISION
SANTIPUR

GUWAHATI 9

6:THE DEPUTY COMMISSIONER
KAMRUP (M)
GUWAHATI.

7:THE CIRCLE OFFICER
DISPUR REVENUE CIRCLE
DISPUR
GUWAHATI

Advocate for the Petitioner : MR D J HALOI

Advocate for the Respondent : GA, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

22/03/2022

Heard Mr. P Bora, learned counsel for the petitioner and Mr. I Kalita, learned Standing counsel, APDCL as well as Standing counsel, Forest Department for the respondent Nos. 1 to 3 and 4 & 5 respectively. Also heard Mr. R Talukdar, learned Government Advocate, Assam for the respondent Nos. 6 & 7.

For proper adjudication of this case, the Ministry of Environment, Forests and Climate Change, Union of India, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi, represented by its Secretary as well as the Revenue & Disaster Management Department, Government of Assam, Dispur, Guwahati-781005 represented by its Commissioner and Secretary be impleaded as party respondent Nos. 8 and 9 respectively in the present proceeding.

Registry shall accordingly correct the cause title.

Mr. R K Devchoudhury, learned Assistant S.G.I. and Mr. B J Talukdar, learned Standing counsel, Revenue & Disaster Management Department have entered appearance on behalf of the newly impleaded respondent Nos. 8 and 9 respectively.

Petitioner shall serve requisite extra copies of this writ petition along with the Annexures appended thereto to Mr. R K Devchoudhury, learned Assistant S.G.I. and Mr. B J Talukdar, learned Standing counsel, Revenue & Disaster Management Department by tomorrow, i.e, 23.03.2022, obtaining necessary acknowledgment from them in that regard.

Mr. R K Devchoudhury, learned Assistant S.G.I. has submitted that pursuant to the direction of the Hon'ble Division Bench in PIL (Suo-Moto) No. 27/2013, the Survey of India has submitted its report relating to Amchang Wildlife Sanctuary in the said PIL by filing its affidavit on 14.03.2022.

It is also submitted by Mr. Devchoudhury, learned Assistant S.G.I. that the Hon'ble Division Bench has fixed the said PIL (Suo-Moto) No. 27/2013 on 06.04.2022.

Mr. Devchoudhury, learned Assistant S.G.I. has placed a copy of the said affidavit filed in the said PIL (Suo-Moto) stating that from the reports submitted by the Survey of India, it has been found that the Amchang Wildlife Sanctuary has been divided into 2 blocks, namely, Block-I and Block-II.

Mr. Devchoudhury, learned Assistant S.G.I. further placed before the Court that with regard to the said Amchang Wildlife Sanctuary, Gazette Notifications were issued earlier on 23.12.1953, 23.10.1972, 21.11.1990 and 19.06.2004. He further submitted that the Amchang Wildlife Sanctuary Block-II comprises of two Wildlife Reserve Forests, namely, Khanapara Reserve Forest, notified in the year 1953 and South Amchang Reserve Forest, notified in the year 1990 which are contiguous to each other in nature.

List this matter on **25.04.2022**.

On the said date, i.e., on 25.04.2022, the respondents in the Forest Department, the newly impleaded Revenue & Disaster Management Department as well as the District Administration of District-Kamrup (M), i.e., respondent Nos. 6 and 7 shall apprise the Court as to whether Eusuf Nagar of Pub Botahghuli Revenue Village, Mouza-Beltola, District-Kamrup (M) is within the cadastral map of the Revenue Department of the State under Dispur Revenue Circle, Dispur, Guwahati and/or whether it is a notified forest land, if so, the

respondents concerned noted above shall submit a detail report in that regard including its area and boundaries of the said land.

Further, on the said date, i.e., on 25.04.2022, the Ministry of Environment, Forests and Climate Change, Union of India, respondent No. 8 shall apprise the Court as to when its Notification No. S.O.1166(E) dated 18.03.2019 issued under Sub-Section (1) and Clauses (v) and (xiv) of Sub-Section (2) and Sub-Section (3) of Section 3 of the Environment (Protection) Act, 1986 read with Sub-Rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 notifying the Eusuf Nagar of Pub Botahghuli Revenue Village, Mouza-Beltola, District-Kamrup (M), an area of Amchang Wildlife Sanctuary in the State of Assam as the Amchang Wildlife Sanctuary Eco-Sensitive Zone was published in the Official Gazette.

Registry shall reflect the names of the Assistant S.G.I. for the respondent No. 8 and Standing counsel, Revenue & Disaster Management Department, Assam for the respondent No. 9, along with the other respondents in the cause list against this item.

List accordingly.

Copies of this order be furnished to Mr. I Kalita, Standing counsel of APDCL and Forest Department of the State, Mr. R. Talukdar, Government Advocate, Assam, Mr. R K Devchoudhury, Assistant S.G.I. and Mr. B J Talukdar, Standing counsel, Revenue & Disaster Management Department of the State for their necessary use.

JUDGE

Comparing Assistant