

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 8 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 6

8:MINISTRY OF ENVIRONMENT
FOREST AND CLIMATE CHANGE
UNION OF INDIA
INDIRA PARYAVARAN BHAWAN
JORBHAGH ROAD
ALIGANJ
NEW DELHI
REPRESENTED BY ITS SECRETARY.

9:REVENUE AND DISASTER MANAGEMENT DEPARTMENT
GOVT. OF ASSAM
DISPUR
GUWAHATI- 781005
REPRESENTED BY ITS COMMISSIONER AND SECRETARY

Advocate for the Petitioner : MR D J HALOI

Advocate for the Respondent : GA, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

25-04-2022

Heard Mr. P. Bora, learned counsel for the petitioner and Mr. K. P. Pathak, learned Standing counsel, APDCL as well as Standing counsel, Forest for the respondent Nos. 1 to 3, 4 and 5. Also heard Ms. S. Sarma, learned Government Advocate, Assam for the respondent Nos. 6 and 7, Ms. L. Devi, learned CGC for the respondent No. 8 and Ms. N. Bordoloi, learned Standing counsel, Revenue and Disaster Management Department for the respondent No.9.

On instruction, Mr. Bora, learned counsel for the petitioner submitted that the area of the petitioner, namely, Eusuf Nagar under Botahghuli area is within the Eco Sensitive Zone of Amsang Wildlife Sanctuary as per the Gazette Notification published in the Gazette of India on 07.06.2017.

Mr. Bora further placed before the Court that petitioner's area Eusuf Nagar within Batahghuli area is under Bozra - NC (Non Cadastral) and the State Government in the Environment and Forest Department vide Notification No.FRW-11/04/25 dated 19.06.2004 notified that from the date of publishing the said Notification in the Official Gazette, the said area shall be a Sanctuary of the Amsang Reserve Forest and that the said Notification dated 19.06.2004 of the Forest Department of the State was published in the Assam Gazette on 22.06.2004.

List on **02.05.2022.**

JUDGE

Comparing Assistant