

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**

**06/05/2022**

Heard Mr. P Bora, learned counsel for the petitioner and Mr. K P Pathak, learned Assistant S.G.I. for the respondents.

Petitioner is a society duly registered under the Societies Registration Act, 1860 and is advocating the causes of the people of the Eusuf Nagar of Pub-Botahghuli Revenue Village under Beltola Mouza in the Dispur Revenue Circle of Kamrup (M) District.

During the eviction drive in the Amchang Reserve Forest in November, 2017, electricity connections were affected in the said area as the electricity posts were removed being within the reserved forest. Though, the petitioner approached the respondent APDCL for restoration of the electrical connection, but as the Eusuf Nagar of Botahghuli area of Kamrup (M) District is within the Eco-sensitive Zone of Amchang Wildlife Sanctuary, the respondent APDCL did not proceed with the matter of restoration of electricity connection in that area.

Hence, the petitioner has preferred this writ petition for a direction to the respondent authorities to restore the electricity connection to the premises of the individuals of the families residing in said Eusuf Nagar at Botahghuli.

In support of the claim, the petitioner society has also placed a copy of the order dated 01.12.2020 passed in WP(C) No. 2938/2018 (*Brihattar Janasimalu Nonke Janakalyan Samity Vs. The Assam Power Distribution Co. Ltd. and 6 Ors.*), wherein the Court on its prima-facie satisfaction on the basis of the records observed that as Janasimalu Non-cadastral Village of Dispur Revenue Circle being not included in a reserve forest area directed the respondents for restoration of electricity connection to the people residing under the said locality, if necessary, even by providing a temporary connection, without, however, insisting on any NOC from the State Forest Department.

It is placed before the Court that PIL (Suo-Moto) No. 27/2013 with regard to the area of Amchang Wildlife Sanctuary consisting of Khanapara Reserve Forest, notified in the year 1953 and South Amchang Reserve Forest, notified in the year 1990 that are contiguous to each other in nature, is presently pending before the Hon'ble Division Bench of this Court for its adjudication.

As such, the Court is of the view that this writ petition be placed before Hon'ble the Chief Justice in His Lordship's Administrative side for taking up the present writ petition along with the said PIL (Suo-Moto) No. 27/2013, if so pleases.

**JUDGE**

**Comparing Assistant**