

GAHC010165542025



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

Case No. : PIL/34/2025

PARESH DAS AND ORS
S/O. CHANDI SARA DAS, VILL.- ITARVITA, P/S. HOWLY, P/O. HOWLY, DIST.
BARPETA, ASSAM, PIN-781316.

2: HAREKRISHNA DAS
S/O. GOPESWAR DAS
VILL.- MAIRAMARA
P/S. HOWLY
P/O. HOWLY
DIST. BARPETA
ASSAM
PIN-781316.

3: NITUMONI DAS
S/O. MANIK DAS
VILL.- MAIRAMARA
P/S. HOWLY
P/O. HOWLY
DIST. BARPETA
ASSAM
PIN-781316.

4: CHAMPAK DAS
S/O. UTTAM DAS
VILL.- ITARVITA
P/S. HOWLY
P/O. HOWLY
DIST. BARPETA
ASSAM
PIN-781316.

5: AKAN KR. DAS
S/O. GIRISH CHANDRA DAS
VILL.- MAIRAMARA

P/S. HOWLY
P/O. HOWLY
DIST. BARPETA
ASSAM
PIN-781316.

6: KULAJIT DAS
S/O. GOPESH DAS
VILL.- MAIRAMARA
P/S. HOWLY
P/O. HOWLY
DIST. BARPETA
ASSAM
PIN-781316.

7: NABIN DAS
S/O. LT. NAREN DAS
VILL.- ITARVITA
P/S. HOWLY
P/O. HOWLY
DIST. BARPETA
ASSAM
PIN-781316.

8: TAPODHAN DAS
S/O. BIKRIRAM DAS
VILL.-ITARVITA
P/S. HOWLY
P/O. HOWLY
DIST. BARPETA
ASSAM
PIN-781316.

9: NAYON MANI DAS
S/O. SHRIRAM DAS
VILL.-ITARVITA
P/S. HOWLY
P/O. HOWLY
DIST. BARPETA
ASSAM
PIN-781316.

10: NASIR UDDIN ALI
S/O. MOKBUL HUSSAIN
VILL.-ITARVITA
P/S. HOWLY
P/O. HOWLY
DIST. BARPETA

ASSAM
PIN-781316.

11: LUKMAN HUSSAIN
S/O. RUSTAM ALI
VILL.-ITARVITA
P/S. HOWLY
P/O. HOWLY
DIST. BARPETA
ASSAM
PIN-781316.

12: AYNAL HAQUE
S/O. JALAL UDDINS
VILL.-ITARVITA
P/S. HOWLY
P/O. HOWLY
DIST. BARPETA
ASSAM
PIN-781316.

13: ASHRAFUL ALAM SIDDIQUE
S/O. ABU BAKKAR SIDDIQUE
VILL.-ITARVITA
P/S. HOWLY
P/O. HOWLY
DIST. BARPETA
ASSAM
PIN-781316.

14: MAHIDUL SIKDAR
S/O. MAYEJ UDDIN
VILL.-ITARVITA
P/S. HOWLY
P/O. HOWLY
DIST. BARPETA
ASSAM PIN-781316

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM, DIRECTORATE OF
MUNICIPAL ADMINISTRATION, DISPUR, GUWAHATI-6.

2: THE DISTRICT COMMISSIONER
BARPETA
P/O. BARPETA TOWN
DIST. BARPETA ASSAM PIN-781301.

3:THE HOWLY MUNICIPAL BOARD
REP. BY ITS CHAIRMAN
P/O. HOWLY
DIST. BARPETA
ASSAM PNI-781316.

4:THE ASSAM POLLUTION BOARD
REP. BY ITS MEMBER SECRETARY
BAMUNIMAIDAM
GUWAHATI KAMRUP (M)
ASSAM PIN-781021

For the petitioners : Mr. H.R.A. Choudhury,
Sr. Advocate
M Alam Geer, Advocate

For the respondents : Mr. D. Nath,
Sr. Govt. Advocate, Assam
For respondent Nos.1 to 3
Mr. S. Baruah, S.C., PCB for
Respondent No.4

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

01-04-2026

(Ashutosh Kumar, C.J.)

Pursuant to the complaint made by the writ petitioners about the dumping site having been created near a temple and a school, it is submitted on behalf of the State that the site has already been selected for two projects, namely, a Material Recovery Facility (MRF) and a Compost pit project, which have been sanctioned under the Swachh Bharat Mission.

It also has been submitted on behalf of the State that a Detailed

Project Report has been prepared by an expert body, which was engaged by Swachh Bharat Mission. A tender has been floated by Howly Municipal Board, pursuant to which the work order for construction has been given to M/S DLS Envirotech Corporation Pvt. Ltd.

The construction of the MRF has progressed to 25% and it is expected that the project will be complete in a near future.

It has been further submitted that the landfill site and the sites for MRF and Compost pit are in accord with the rules in that regard under the Solid Waste Management Rules, 2016.

Mr. H.R.A. Choudhury, learned Senior Advocate for the petitioners, however, disputes the afore-noted factual assertions.

Mr. D. Nath, learned Senior Government Advocate, Assam submits that the State shall assert on affidavit that the choice of the dumping site/MRF/Compost pit is in consonance with the rules in that regard and the specifications for landfill provided under the afore-noted Rules of 2016.

Let such an affidavit be filed positively by the next date.

Re-notify on **29.05.2026**.

JUDGE

CHIEF JUSTICE

Comparing Assistant