

GAHC010192072013



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

Case No. : PIL 27/2013

1:X X X

VERSUS

1:IN RE - THE STATE OF ASSAM and 125 ORS
REP. BY THE CHIEF SECRETARY, ASSAM SECRETARIAT, DISPUR, GHY-6.

2:MINISTRY OF ENVIRONMENT AND FOREST
GOVT.OF ASSAM
DISPUR
GHY-6.

3:COMMISSIONER and SECY.
ENVIRONMENT AND FOREST DEPARTMENT
DISPUR
GHY-6.

4:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST
REHABARI
GHY-8.

5:DIVISIONAL FOREST OFFICER
KAMRUP EAST DIVISION
BASISTHA
GHY-29.

6:TREASURED WHEELS-
THE NORTH EAST HERITAGE FOUNDATION
REP. BY ONE OF ITS TRUSTEES SRI PICKLOO DEKA S/O SRI PRAFULLA
CHANDRA DEKA
R/O HENGRABARI HOUSING COLONY
GUWAHATI - 78106

DIST. KAMRUP M
ASSAM

7:RANJIT TERON
S/O LT. MASAL TERON

8:ABDUL HAKIM
S/O SAFER ALI

9:REZIA KHATUN
W/O LILU AHMED BARBHUYAN

10:AKRAM AHMED SHAH
S/OLT. ABDUL JABBAR

11:LAILA BEGUM
W/O JAYNUL HOQUE BARBHUYAN

12:HAMID ALI
S/O HAFIZ ALI

13:SWAPNA BEGUM LASKAR
W/O ABDUL HANAN MAZUMDAR

14:BADARUDDIN
S/O LT. MONOWAR ALI

15:SYEDA NAZMA BEGUM
D/O ABDUL JABBAR

16:HANNUFA KHATUN
D/O LIYAKAT ALI

17:KHAIRUL ANAM
S/O LT. ABDUL REZZAK

18:KARIMUDDIN CHOUDHURI
S/O ABDUL MATLIB CHAUDHARY

19:IMADUL CHAUDHURY
S/O REZZAK CHAUDHURY

20:MANIK PODDAR
S/O LT. BOLO PODDAR

21:GITANJALI HALOI
W/O KANGKAN HALOI

22:MAYA DAS
W/O ASHUTOSH BISWAS

23:GOFUR ALI
S/O LT. MAFIZ ALI

24:KHEMRAJ SHARMAH
S/O LT. BHIMRAM SHARMAH

25:MOINUDDIN AHMED
S/O SHARMAN ALI

26:BARIK ALI
S/O LT. ABU BAKKAR ALI

27:SHER KADIR SIKDER
S/O LT. KADDUS SIKDAR

28:SANTOSH CHAUHAN
S/O GANESH CHAUHAN

29:SHAIJUDDIN
S/OLT. BASHI SEIKH

30:ABDUL AZIZ
S/O JAFAR ALI

31:BOBY HIRA
S/O LT. JAYRAM HIRA RESPONDENTS NOS. 7 TO 32 ARE RESIDENTS OF
VILL/TOWN - BATHAGHULI PART
YUSUF NAGAR
B AJARA NC
P.S. SATGAON P.O. PANJABARI
GUWAHATI
DIST. KAMRUP M
ASSAM

32:DONYI POLO NAGAR DEVELOPMENT COMMITTEE
PANJABARI
DONYI POLO NAGAR
P.O. PANJABARI
WARD NO. 54
P.S. SATGAON
GUWAHATI - 781037
DIST. KAMRUP M
ASSAM
REP. BY ITS SECRETARY
SRI DHARMENDRA DEORI.

33:SRI DHARMENDAR DEORI
S/O MANAMOHAN DEORI
CHUKAFA PATH PART
P.S. SATGAON
SUB-DIVISION
GUWAHATI
DIST. KAMRUP M
ASSAM

34:SRI JAGARAN MARAK
S/O RANIK MARAK

35:SMTI. MIRA SANGMA @ MIRA MARAK
W/O KHANKAR SANGMA

36:SMTI. NIRU SANGMA
W/O SULINDAR SANGMA

37:SMTI. RENILA MARAK
W/O AKUL CHAN MARAK

38:SRI BHABEN CHANDRA BORO
S/O TARUN CH. BORO

39:SRI RABEN CH. BORO
S/O BHABEN CH. BORO

40:SMTI. MANJU BORO
W/O AJAY DAS

41:SMTI. CHAPNA MARAK
W/O PULIN SANGMA

42:SMTI. PITIKA MARAK
W/O SHATIN SANGMA

43:SMTI. GRIPICH SANGMA
W/O RAJEN SANGMA

44:SRI RAJEN MARAK
S/O RABARTS SANGMA

45:SMTI. BHARATI MARAK
S/O KALARAM MARAK

46:SRI NIKIN MARAK
S/O BANE SANGMA

47:SRI LENUCH T. SANGMA
S/O METHEN MARAK

48:KHELO SANGMA @ KEHLO SANGMA
S/O GANESH SANGMA

49:SMTI. BEAUTY SANGMA
W/O OWELFINA MARAK

50:SMTI. NIRDAI MARAK
W/O RAMATHI SANGMA

51:SMTI. SUSHILA SANGMA
W/O JAHINATH MARAK

52:SMTI. SABITA MARAK
W/O BALEN SANGMA

53:SRI THICHAN SANGMA
S/O KHALADANG SANGMA

54:SRI LALIN MARAK
S/O LABAR SANGMA

55:SRI DABIN MARAK
S/OLT. HANDIN MARAK

56:SMTI. KERAN MARAK
W/O MICHAN SANGMA

57:SRI HEMEN BORO
S/O TERA BORO

58:SRI TULARAM BORO
S/O HALADHAR BORO

59:PULIN SANGMA
S/O LT. NANDARAM SANGMA

60:POLLITHSON MARAK @ FALITCHAN MARAK
S/O GOPAL SANGMA

61:AUGUSTINE SANGMA @ AGESON MARAK
S/O MINJENG MARAK

62:SRI THOMAS SANGMA
S/O METHIN MARAK

63:SRI MANTU MARAK
S/O A J SANGMA RESPONDENTS NOS. 35 TO 64 ARE RESIDENTS OF
KHANKAR
PANIKHAITI
P.O. and P.S. PRAGJYOTISHPUR
DIST. KAMRUP M
ASSAM
PIN - 781026.

64:DEVONAGAR DEVELOPMENT COMMITTEE
KHANAPARA
GUWAHATI - 781022
DIST. KAMRUP M
ASSAM
REP. BY ITS SECRETARY
SRI DEBANDANDA DOLEY.

65:SRI DEBANDANDA DOLEY
S/O SRI TANKESWAR DOLEY R/O DEVONAGAR
KHANAPARA
GUWAHATI - 781022
DIST. KAMRUP M
ASSAM

66:RUWAD NAGAR DEVELOPMENT COMMITTEE
P.O. KHANAPARA
P.S. DISPUR
GUWAHATI - 781022
DIST. KAMRUP M
ASSAM REP. BY ITS SECRETARY
SRI BIREN DOLEY.

67:SRI BIREN DOLEY
S/O SHANGKADHAR DOLEY
RUWAD NAGAR
P.O. KHANAPARA
P.S. DISPUR
GUWAHATI - 781022
DIST.KAMRUP M
ASSAM

68:SRI BHASKAR JYOTI PEGU
S/O SRI KULABAR PEGU

69:SRI BENI DOLEY
S/O SRI TANUJ DOLEY

70:SRI ANIL DOLEY
S/O SRI DECEMBER DOLEY

71:SRI TARA NATH DOLEY
S/OS RI PHULESWAR DOLEY

72:SRI HEMA KT. PEGU
S/OLT. ANANDA PEGU

73:SRI BISWAJIT DOLEY
S/O BIDHESWAR DOLEY

74:SRI MINO KT. PAIT
S/OLT. BHABO KT. PEGU

75:SRI JITEN PEGU
S/O SRI KHUKEN PEGU

76:SRI UMESH PATIR
S/O SRI TUNI RAM PATIR

77:SRI NABA BORO
S/O SRI HANTU BORO

78:SRI PRADIP PEGU
S/O SRI BOMBESWAR

79:SADANANDA PEGU
S/O KULASON PEGU

80:SRI RANJIT DARIK
S/O SUNA RAM DARIK

81:SRI KIRAN KUTUM
S/O BROJENDRANATH KUTUM

82:SRI PRANJIT DOLEY
S/O SRI PATIR DOLEY

83:SMTI. PROVAWATI PEGU
D/O LT. KULANATH PEGU

84:SMTI. SWARNALATA DOLEY
D/O LT. BAPUNG DOLEY

85:SRI RAJIV PEGU
S/O BOMBESWAR PEGU

86:SRI BINOD DOLEY
S/O SRI TANUJ DOLEY

87:SRI SAURAV SAIKIA
S/O PUNA SAIKIA

88:SRI NABAJIT PATIR
S/O SRI JIBAN PATIR

89:SRI BHUPEN DOLEY
S/O DHANU RAM DOLEY

90:SRI KUSHAL MILI
S/O UBHAY RAM MIRI

91:SRI SANJIB DOLEY
S/O SRI BOLEN DOLEY

92:SRI MANUJ PEGU
S/O SRI LOKHESWAR PEGU

93:SRI AJOY RAM DOLEY
S/O SRI DEBEN DOLEY

94:SRI DILIP TAID
S/O SRI TANKESWAR TAID

95:SRI PUNA RAM DOLEY
S/OLT. GANDHI RAM DOLEY

96:SRI RANJAN DOLEY
S/O SRI KULAMON DOLEY

97:SRI TARJAN PATIR
S/O SRI BILUWAR PATIR

98:SRI RAJU PEGU
S/O SRI SHAPIDHAR PEGU

99:SRI CHANDAN PEGU
S/O SRI HIRA PEGU

100:SRI NABIN DEORI
S/O DHIREN DEORI

101:SRI ROBIN PEGU
S/O SRI HOLIRAM PEGU

102:SRI BIJOY BASUMATARY
S/O SRI CHATARAM BASUMATARY

103:SRI SATYA PEGU
S/OS RI HALIRAM PEGU

104:SRI NARENDRA KUTUM
S/O SRI BIRASON KUTUM RESPONDENTS OS. 69 TO 105 ARE RESIDENTS
OF KANGKAN NAGAR
2 NO. KHANAPARA
MOUZA- BELTOLA
P.O. BAGHABARI
P.S. DISPUR
GUWAHATI DIST. KAMRUP
ASSAM

105:SRI RATAN ROY
S/O SRI DEBARU ROY

106:SRI BANKIM SARMA
S/OLT. UTSAB CHANDRA SARMA

107:SRI NAYANJYOTI DAS
S/OLT. NITUL DAS

108:SRI DHANMONI KALITA
S/O KAMINI KANTA KALITA

109:SRI BHUBAN DAS
S/OLT. DHARANI DAS

110:SRI KANAK PATOWARY
S/OLT. BHABIN PATOWARY

111:SRI BIREN DAS
S/O SRI RAM DHAN DAS

112:SRI RAM KRISHNA DAS
S/O SRI KAMAKHYA DAS

113:SRI AJIT CHANDRA DAS
S/O SRI BHABEN CHANDRA DAS

114:SMTI. JONALI KALITA
W/O HAREN KALITA

115:HARPATI SARMA
S/OLT. JADAB SARMA

116:SRI PINU KALITA
S/O SRI HEMANTA KALITAA

117:SRI KUMUD CHANDRA DEKA
S/O PRAHLAD DEKA

118:SRI PABAN BAISHYA
S/O LT. SARAT BAISHYA

119:HEMANTA CHOUDHURY
S/OLT. UTTAM CHOUDHURY

120:SRI GIRIN DEKA
S/O SRI RAMESH DEKA

121:SRI KANDARPA DAS
S/O SRI ADITYA DAS

122:SRI MRINAL TALUKDAR
S/O GAJEN TALUKDAR

123:SMTI. KAMINI BORO
W/O SRI BIMAL BORO

124:SRI SUKUMAR BORO
S/O SRI PRAFULLA BORO

125:SRI NARAYAN DAS
S/OS RI GAURI DAS

126:SRI KAMALA MILI
W/O SRI ACHYUT HAZARIKA ALL ARE APPLICANTS ARE RESIDENT OF
VILL/TOWN- SIVASAGAR
MOUZA- BELGOLA P.O. BAGHARBARI
P.S. SATGAON
GUWAHATI DIST. KAMRUP METRO
ASSAM

127:MAJULIPUR DEVELOPMENT COMMITTEE
MAJULIPUR
PO KHANAPARA
GUWAHATI
ASSAM REPRESENTED BY ITS PRESIDENT SRI RAJIB KUMBANG

128:SRI RAJIB KUMBANG
R/O GAROBASTI
PS SATGAON

PO PANJABARI

129:SMTI JUNU SANGMA
R/O GAROBASTI
PS SATGAON
PO PANJABARI

130:MONESH SANGMA
R/O GAROBASTI
PS SATGAON
PO PANJABARI

131:RAJU SANGMA
R/O GAROBASTI
PS SATGAON
PO PANJABARI

132:PINTU SANGMA
R/O GAROBASTI
PS SATGAON
PO PANJABARI

133:SMTI. DAMAYANTI BARMAN DEKA
R/O GAROBASTI
PS SATGAON
PO PANJABARI

134:SUBHADRA MARAK
R/O GAROBASTI
PS SATGAON
PO PANJABARI

135:RABITA MARAK
R/O GAROBASTI
PS SATGAON
PO PANJABARI

136:MINTU MARAK
R/O GAROBASTI
PS SATGAON
PO PANJABARI

137:PRUTUL DAIMARI
R/O GAROBASTI
PS SATGAON
PO PANJABARI

138:SHANTA SHIL CHAKMA

R/O GAROBASTI
PS SATGAON
PO PANJABARI

139:KARUNA BORO
R/O GAROBASTI
PS SATGAON
PO PANJABARI

140:KALYAN CHAKMA
R/O GAROBASTI
PS SATGAON
PO PANJABARI

141:HAILU RAMSIARY
R/O GAROBASTI
PS SATGAON
PO PANJABARI

142:SMTI SUMITRA SANGMA
R/O GAROBASTI
PS SATGAON
PO PANJABARI

143:ANIL SANGMA
R/O GAROBASTI
PS SATGAON
PO PANJABARI

144:DIPALI BORO
R/O GAROBASTI
PS SATGAON
PO PANJABARI

145:DAMAYANTI BORO
R/O GAROBASTI
PS SATGAON
PO PANJABARI

146:KHAGEN SWARGIARY
R/O GAROBASTI
PS SATGAON
PO PANJABARI

147:KANAK BORO
R/O GAROBASTI
PS SATGAON
PO PANJABARI

148:DURGA MONI DAIMARI
R/O GAROBASTI
PS SATGAON
PO PANJABARI

149:RAMESWAR BASUMATARY
R/O GAROBASTI
PS SATGAON
PO PANJABARI

150:PULAK TALUKDAR
R/O GAROBASTI
PS SATGAON
PO PANJABARI

151:ANIMA SHARMA
R/O GAROBASTI
PS SATGAON
PO PANJABARI

152:KAMITA BORO
R/O GAROBASTI
PS SATGAON
PO PANJABARI

153:RAGESWAR DAIMARI
R/O GAROBASTI
PS SATGAON
PO PANJABARI

154:NIRMALA BORO
R/O GAROBASTI
PS SATGAON
PO PANJABARI

155:ANGAJAI MOG
R/O GAROBASTI
PS SATGAON
PO PANJABARI

156:BABUL BARMAN
R/O GAROBASTI
PS SATGAON
PO PANJABARI

157:NILJEN BORO
R/O GAROBASTI

PS SATGAON
PO PANJABARI

158:BIPIN DAIMARI
R/O GAROBASTI
PS SATGAON
PO PANJABARI

159:AJALI BORO
R/O GAROBASTI
PS SATGAON
PO PANJABARI

160:HARI CH. RAVA
R/O GAROBASTI
PS SATGAON
PO PANJABARI

161:PRADIP CH. NATH
R/O GAROBASTI
PS SATGAON
PO PANJABARI

162:PARAMESWAR DAIMARI
R/O GAROBASTI
PS SATGAON
PO PANJABARI

163:ANANDA GOGOI
R/O GAROBASTI
PS SATGAON
PO PANJABARI

164:PADUMIBALA BARMAN
R/O GAROBASTI
PS SATGAON
PO PANJABARI

165:DIPALI SANGMA
R/O GAROBASTI
PS SATGAON
PO PANJABARI

166:GOBIN BASUMATARY
R/O GAROBASTI
PS SATGAON
PO PANJABARI

167:PRANAB BORAH
R/O GAROBASTI
PS SATGAON
PO PANJABARI

168:KANAK DAIMARY
R/O GAROBASTI
PS SATGAON
PO PANJABARI

169:BINOD BASUMATARY
R/O GAROBASTI
PS SATGAON
PO PANJABARI

170:SAMBAR BORO
R/O GAROBASTI
PS SATGAON
PO PANJABARI

171:PRADIP KUMAR RAVA
R/O GAROBASTI
PS SATGAON
PO PANJABARI

172:MADHU MADHAB DAS
R/O GAROBASTI
PS SATGAON
PO PANJABARI

173:CHANDAN NARZARY
R/O GAROBASTI
PS SATGAON
PO PANJABARI

174:ABDUL LATIF
R/O GAROBASTI
PS SATGAON
PO PANJABARI

175:SUREN BORAH
R/O GAROBASTI
PS SATGAON
PO PANJABARI

176:MRINAL DUTTA
R/O GAROBASTI
PS SATGAON

PO PANJABARI

177:DECOROUS MOCHAHARY
R/O GAROBASTI
PS SATGAON
PO PANJABARI

178:MALABITA CHANGMAI
R/O GAROBASTI
PS SATGAON
PO PANJABARI

179:MINA BARMAN
R/O GAROBASTI
PS SATGAON
PO PANJABARI

180:SABIDAR DAIMARY
R/O GAROBASTI
PS SATGAON
PO PANJABARI

181:SURESH NANDA CHAKMA
R/O GAROBASTI
PS SATGAON
PO PANJABARI

182:ANJALI BASUMATARY
R/O GAROBASTI
PS SATGAON
PO PANJABARI

183:AJIT DEKA
R/O GAROBASTI
PS SATGAON
PO PANJABARI

184:SANTI KUMAR CHAKMA
R/O GAROBASTI
PS SATGAON
PO PANJABARI

185:MAHINDRA DAS
R/O GAROBASTI
PS SATGAON
PO PANJABARI

186:NILIMA DAIMARI

R/O GAROBASTI
PS SATGAON
PO PANJABAR

Advocate for the Petitioner : MR.S S DEY

Advocate for the Respondent : GA, ASSAM

BEFORE

HON'BLE THE CHIEF JUSTICE MR. AJIT SINGH

HON'BLE MR. JUSTICE MANOJIT BHUYAN

16.2.2018

(Ajit Singh, C.J.)

Mr. D Saikia, learned senior Additional Advocate General, Assam assisted by Ms.RB Bora and Mr.R Singha, learned Standing Counsel for the respondents.

In the additional affidavit dated 12.2.2018 filed by Sri Amarendra Barua, Secretary to the Government of Assam, Environment & Forest Department reference is made to minutes of the meeting held on 24.1.2018 of the Committee for examining and suggesting the Government on the issues of rehabilitation and other relief admissible to the indigenous families of Assam recently evicted from Amchung under Kamrup (M) District. A copy of minutes of the meeting has also been annexed along with the affidavit. The minutes of the meeting read as under:-

“The meeting was presided over by Smti. Pramila Rani Brahma, Hon'ble Minister, Environment & Forest Department and Chairperson of the Committee. The Chairperson welcomed all the members present in the meeting and started the discussion.

After threadbare discussion, the following decisions were taken:

- A joint survey needs to be done to identify the boundary and Forest & Revenue land of Amchung Wildlife Sanctuary.
- The Joint Re-survey will be done by the Committee notified by the Assembly Committee on Welfare of SC/ST issued vide No., ECF 6233/2017/95, dated 4th January, 2018 with DC, Kamrup (M) as Chairman.
- DFO, Guwahati Wildlife Division is to be included as member of the Committee for joint survey for demarcation of Forest & Revenue land in Amchung Wildlife Sanctuary.
- Hon'ble High Court is to be moved for additional time for filing affidavit in the case.
- The Dist. Administration, Kamrup (M) will verify the landless families from the list of 680 nos. of evicted families of Amchung as received from DFO, Guwahati (Wildlife)

Division by 15th February, 2018.

- Joint survey report to be submitted by the Joint Survey Committee within one month i.e. 24th February, 2018.

Further, it was also discussed whether a proposal for de-reservation of the Reserve Forest may perhaps be placed before the Govt. of India, where the Hon'ble Prime Minister of India is the Chairman. A strong case would be needed, if necessary.”

Having regard to the genuine cause for joint survey and rehabilitation of landless families from the list of 680 evicted families of Amchung Wildlife Sanctuary, we, awaiting survey report of the Joint Survey Committee, deem it proper to adjourn the case for a month. We, however, make it clear that this court will not approve any proposal of the State Government for de-reservation of the Amchung Wildlife Sanctuary, reference of which is made in the above quoted minutes of the meeting.

It is also to be noted that in our earlier dated 1.12.2017, we had directed the State Government to ensure that encroachments in the Amchung Wildlife Sanctuary do not mushroom again at the places from where they had been evicted. Let the Chief Secretary, Assam file an affidavit stating therein whether this direction has been complied with and what is the exact ground situation from where encroachments have been removed.

List the case for further orders on 19.3.2018.

**Sd/-
JUDGE**

**Sd/-
CHIEF JUSTICE**

Comparing Assistant