

GAHC010252942018



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

Case No. : I.A.(Civil) 3935/2018

1:TREASURED WHEELS- THE NORTH EAST HERITAGE FOUNDATION
REP. BY ONE OF ITS TRUSTEES SRI PIKLOO DEKA, S/O- SRI PRAFULLA
CHANDRA DEKA, R/O- HENGRABARI HOUSING COLONY, GUWAHATI-
781006, DIST.- KAMRUP (M), ASSAM

VERSUS

1:THE STATE OF ASSAM AND 4 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, DISPUR,
GUWAHATI-6

2:MINISTRY OF ENVIRONMENT AND FOREST
GOVERNMENT OF ASSAM
DISPUR
GUWAHATI-6.

3:COMMISSIONER AND SECRETARY
ENVIRONMENT AND FOREST DEPARTMENT
DISPUR GUWAHATI-6.

4:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST
REHABARI GUWAHATI- 781008

5:DIVISIONAL FOREST OFFICER
KAMRUP EAST DIVISION
BASISTHA
GUWAHATI- 78102

Advocate for the Petitioner : MR N DUTTA

Advocate for the Respondent : SC, FOREST

Linked Case : 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 PANJABARI

Advocate for the Petitioner : MR.S S DEY
Advocate for the Respondent : GA ASSAM

I.A. (C) 3935/2018

In PIL 27/2013

With

WP(C) 415/2018

BEFORE

HON'BLE THE CHIEF JUSTICE MR. A.S. BOPANNA

HON'BLE MR. JUSTICE ARUP KUMAR GOSWAMI

10.12.2018

(A.S. Bopanna, C.J.)

Heard Mr. R Singha, learned counsel for the applicant. Also heard Mr. D Mazumdar, learned Additional Advocate General, Assam assisted by Mr. A Das, learned Standing Counsel, Forest Department and Ms. B Jhorar, learned Standing Counsel, Revenue for the respondents. Also heard Mr. HK Das, learned counsel for the Gauhati High Court and Mr. KN Choudhury, learned Senior counsel assisted by Mr. M Mahanta, learned counsel for the writ petitioner in WP(C) 415/2018.

The instant application is filed by the applicant seeking that the order dated 13.8.2018 passed in IA(C) 2919/2017 be modified and further time of six months is to be granted to the applicant to shift all his articles.

Having taken note of the averments as put forth in the application and on hearing the learned counsel for the applicant as also the learned Additional Advocate General, Assam for the respondents, we have, at the outset, taken note of the order dated 13.8.2018. It is seen that this Court having taken into consideration all aspects of the matter including the stand of the applicant that many of the articles are of World War-II period and further taking into consideration that even in such circumstance, the museum could not be permitted within the Amchang Wild Life Sanctuary, 3 months' time had been granted subject to the undertaking given in the form of affidavit.

In a normal circumstance, we would not have been inclined to grant any further time.

However, keeping in view that the applicant is to secure an alternate place, and in that

light, to save the applicant from the ignominy of being evicted by force, we find it appropriate to grant a period of 2 months from this day to voluntarily vacate and remove the articles kept in the museum within the Amchang Wild Life Sanctuary.

It is made clear that if the compliance is not made within the said period, the respondents shall take appropriate action to evict the applicant by removing the structures and also taking out the articles which are kept therein.

It is further made clear that no indulgence will be shown hereafter.

The application is accordingly disposed of.

JUDGE

CHIEF JUSTICE

Comparing Assistant