

GAHC010189572019



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

Case No. : WP(C)/415/2018

LALIT GOGOI
R/O HOUSE NO. 36
BATAHGHULI
PANJABARI
JANASIMALU NC VILLAGE GUWAHATI
KAMRUP
ASSAM

2: MR SASHINDRA KUMAR BURHAGOHAIN
R/O HOUSE NO. 109

BATAHGHULI
PANJABARI
JANASIMALU NC VILLAGE
GUWAHATI
KAMRUP
ASSAM

3: MR NARENDRA NATH SARMA
R/O HOUSE NO. 57 B
BATAHGHULI
PANJABARI
JANASIMALU NC VILLAGE

GUWAHATI
KAMRUP
ASSAM

4: MR RANJIT KUMAR BARUA
R/O HOUSE NO. 37
BATAHGHULI
PANJABARI

JANASIMALU NC VILLAGE
GUWAHATI
KAMRUP
ASSAM

5: SMTI. ANIMA DEVI PATHAK
R/O HOUSE NO. 72
BATAHGHULI
PANJABARI

JANASIMALU NC VILLAGE

GUWAHATI
KAMRUP
ASSAM
VERSUS

THE STATE OF ASSAM
REP. BY THE CHIEF SECRETARY
GOVT. OF ASSAM
DISPUR
GUWAHATI
KAMRUP (METRO)
ASSAM

2:THE COMMISSIONER AND SECRETARY
FOREST AND ENVIRONMENT DEPARTMENT
DISPUR
GUWAHATI
KAMRUP (METRO)
ASSAM

3:THE COMMISSIONER AND SECRETARY
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

SETTLEMENT BRANCH
GOVT. OF ASSAM
DISPUR
GUWAHATI
KAMURP (METRO)
ASSAM

4:THE UNION OF INDIA

THROUGH THE SECRETARY
MINISTRY OF ENVIRONMENT
FOREST AND CLIMATE CHANGE

INDIRA PARYAVARAN BHAVAN
JOR BAGH ROAD

NEW DELHI- 110003

Advocate for : MR. S DUTTA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM

Linked Case : PIL/27/2013

X X X

VERSUS

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 MANAMOCHAN 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 : MR.S S DEY
Advocate for : GA
ASSAM appearing for IN RE - THE STATE OF ASSAM and 125 ORS

BEFORE
HON'BLE MR. JUSTICE N. KOTISWAR SINGH
HON'BLE MRS. JUSTICE MALASRI NANDI

ORDER

06.12.2021

[*N. Kotiswar Singh, J.*]

Heard Mr. H.K. Das, learned standing counsel, Gauhati High Court. Also heard Mr. N.K. Das, learned counsel appearing for the respondent Nos.7—31, Mr. R.K. Dev Choudhury, learned Assistant Solicitor General of India and Mr. D. Saikia, learned Advocate General, Assam as well as Mr. K.P. Pathak, learned standing counsel, Forest Department.

Mr. R.K. Dev Choudhury, learned Assistant Solicitor General of India, has submitted that an affidavit has been filed on behalf of Survey of India in terms of the order dated 03.11.2021 in PIL No.27/2013 in which it has been stated that the survey work has already

been initiated as mentioned in paragraphs 4 and 5 of the affidavit, which are reproduced hereinbelow:-

"4. That the deponent begs to state that as on 26.11.2021, the Survey of India has completed the reeve work of both blocks (Block-I and Block-II) of the Amchang Wildlife Sanctuary. It has also completed the GPS observation of existing old boundary pillars as shown by the forest officials for planning purpose only.

5. That the deponent begs to state that the Survey of India has established master control GPS Station near both blocks of Amchang Wildlife Sanctuary. It is further stated that GPS observation work for 24 boundary pillars (48 GPS points approximately) out of 48 boundary pillars of Block-I of Amchang Wildlife Sanctuary, which are required for finally establishing boundary pillars of the Sanctuary are completed by the Survey of India."

It has been submitted that the survey work is expected to be completed within 2(two) months.

In that view of the matter, let the matter be listed after 2(two) months and it is also expected that the Survey of India will complete the survey within the said time so that necessary consequential action can be taken by the competent authority as regards the issue of encroachment is concerned.

List accordingly on 07.02.2022.

Sd/- Malasri Nandi
JUDGE

Sd/- N. Kotiswar Singh
JUDGE

Comparing Assistant