

GAHC010192072013



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

**Case No. : 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 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

Linked Case : 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.

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Advocate for : MR D J HALOI  
Advocate for : GA  
ASSAM appearing for THE ASSAM POWER DISTRIBUTION CO. LTD. (APDCL)  
AND 8 ORS.

**BEFORE**  
**HON'BLE THE CHIEF JUSTICE(ACTING)**

**HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

**ORDER**

**Date : 08.06.2022**

Heard Mr. P. Bora, learned senior counsel appearing for the writ petitioner. Also heard Mr. R.K.D. Choudhury, learned Assistant Solicitor General of India and Mr. P. N. Goswami, learned Standing counsel, Forest, appearing for the respondents.

The grievance of the petitioner is that the members of the petitioner Samittee are residents of Eusuf Nagar, also known as Batahghuli, which has been identified as a revenue village and the electricity connections to their residents were disconnected during the eviction process carried out by the authorities alleging that they are encroachers.

Mr. P. N. Gowami, learned Standing counsel, Forest submits that Eusuf Nagar is located in the proposed eco-sensitive zone of Amchung Wildlife Sanctuary, as clearly mentioned in the Gazette Notification dated 18.03.2016 (Annexure-4), because of which eviction process was initiated.

Learned senior counsel for the petitioner submits that the members of the petitioner committee are not encroachers.

Be that as it may, it is not the issue to be decided today.

Learned senior counsel for the petitioner submits that the members of the petitioner Samittee have been staying in that locality without any electricity since electricity connections have not been restored to their residences after the eviction drive was initiated but was stopped.

After hearing the learned counsels for the parties, we are of the view that until the question whether the members of the petitioner committee are encroachers or not is decided by the authorities in accordance with law, electricity connection may be restored temporarily.

Accordingly, let the authorities, after necessary verification restore the electricity

connections to the members of the petitioner organization which, however, shall be purely temporary in nature.

In case the members of the petitioner Samittee are found to be illegal encroachers, they cannot claim any benefit on the ground of their electricity connections being restored by the order of this Court. The members of the petitioner committee will accordingly furnish detail particulars to the authority concerned about electricity being provided to them earlier before the eviction drive was conducted.

This interim order has been passed merely for the purpose of ensuring that the members of the petitioner organisation may not be deprived of electricity supply during the pauser of the eviction process.

The issue relating to illegal encroachment and the proposed eviction by the authorities will be taken up independently of the electricity connection which is restored by this order.

List after four weeks along with PIL 27/2013 and WP(C) 415/2018.

**JUDGE**

**CHIEF JUSTICE (ACTING)**

**Comparing Assistant**