

GAHC010202552021



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

Case No. : WP(C)/118/2022

BADAN CHANDRA BORA
S/O. RABIRAM BORA, R/O. 8TH MILE, AMERIGOG, P.S. BASISTHA (OUT
POST JORAHAT) P.O. KHANAPARA, DIST. KAMRUP(M), ASSAM, PIN-781023.

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, REVENUE AND
DISASTER MANAGEMENT, ASSAM CIVIL SECRETARIAT, DISPUR,
GUWAHATI, PIN-781006.

2:THE ADDL. DEPUTY COMMISSIONER AND CEO

DISTRICT DISASTER MANAGEMENT AUTHORITY
KAMRUP (M)
GUWAHATI-781001.

3:CIRCLE OFFICER

DISPUR REVENUE CIRCLE
DISPUR
PIN-781028.

4:DIRECTOR

SOIL CONSERVATION RG BARUAH ROAD
GUWAHATI-781005.

5:DIVISIONAL FOREST OFFICER

KAMRUP EAST DIVISION
BASISTHA

GUWAHATI-781039.

6:OFFICER IN CHARGE

JORBAT OUT POST
JORABAT
GUWAHATI.

7:BIKASH AGARWAL
R/O. FLAT NO. C1
DURGA RESIDENCY
BACK SIDE OF MLA HOSTEL
DISPUR-781005

Advocate for the Petitioner : MR K K MAHANTA (Sr. Advocate)

Advocate for the Respondent : GA, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

06/01/2022

Heard Ms. N Begum, learned counsel for the petitioner and Mr. B J Talukdar, learned Standing counsel, Revenue and Disaster Management Department for the respondent No. 1. Also heard Mr. C S Hazarika, learned Government Advocate, Assam for the respondent Nos. 2, 3 & 6, Mr. B Gogoi, learned Standing counsel, Soil Conservation for the respondent No. 4 and Mr. D Gogoi, learned Standing counsel, Forest Department for the respondent No. 5.

Petitioner is in occupation of a plot of land measuring 3 Kathas covered by Dag No. 32, Patta No. 2 at Village-Khanapara N.K., Mouza-Beltola, District-Kamrup(M), which is a hilly place and he is residing thereon constructing one storied building with due permission from the GMDA. The respondent No. 7 is an owner of a plot of land measuring 2 Kathas 19 Lechas covered by Dag No. 258, Patta No. 19 at Village-Khanapara N.K., Mouza-Beltola, District-Kamrup(M) that is adjacent to the land of the petitioner and the respondent No. 7 illegally cutting the earth of the hill below the resident of the petitioner thereby leaving the house of the petitioner as well as his family in a vulnerable position.

Though, the petitioner submitted several objections before the authority concerned for which joint inspection of the site were also made and further, the authorities in the District Administration of Kamrup Metropolitan District on three occasions issued notice to the respondent No. 7 directing him to stop such illegal earth cutting, but the said respondent No. 7 continued with the similar activities of earth cutting. Being aggrieved with such inaction on the part of the respondents in the District Administration, Kamrup Metropolitan District, the petitioner has preferred this writ petition.

Issue notice, returnable by **27.01.2022.**

As Mr. B J Talukdar, learned Standing counsel, Revenue and Disaster Management Department, Mr. C S Hazarika, learned Government Advocate, Assam, Mr. B Gogoi, learned Standing counsel, Soil Conservation and Mr. D Gogoi, learned Standing counsel, Forest Department have accepted notice on behalf of the respondent Nos. 1; 2, 3 & 6; 4 and 5 respectively, no formal notice need to be issued to those respondents.

Petitioner shall serve requisite extra copies of this writ petition along with the Annexures appended thereto to Mr. B J Talukdar, learned Standing counsel, Revenue and Disaster Management Department, Mr. C S Hazarika, learned Government Advocate, Assam, Mr. B Gogoi, learned Standing counsel, Soil Conservation and Mr. D Gogoi, learned Standing counsel, Forest Department by tomorrow, i.e., 07.01.2022, obtaining necessary acknowledgment from them in that regard.

Petitioner shall take steps for service of notice on the respondent No. 7 by registered post with A/D by tomorrow, i.e., 07.01.2022, providing its proper and correct address with requisite postal stamps.

On the returnable date (i.e., 27.01.2022), the Additional Deputy Commissioner & CEO, District Disaster Management Authority, Kamrup respondent No. 2, the Divisional Forest Officer, Kamrup East Division, Basistha respondent No. 5 and the Officer-in-Charge of Jorabat Outpost, Jorabat, Guwahati respondent No. 6 shall place the relevant status regarding the action taken against the respondent No. 7 with regard to such illegal earth cutting in the said land involved in the case.

Registry shall reflect the names of the Standing counsel, Soil Conservation for the respondent No. 4 along with the other respondents in the cause list against this item.

Copy of this order be furnished to Mr. B J Talukdar, learned Standing counsel, Revenue and Disaster Management Department, Mr. C S Hazarika, learned Government Advocate, Assam, Mr. B Gogoi, learned Standing counsel, Soil Conservation and Mr. D Gogoi, learned Standing counsel, Forest Department for their necessary use.

List accordingly.

JUDGE

Comparing Assistant