

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
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 25/09/2023

Heard Mr. K.K. Mahanta, learned senior counsel assisted by Ms A. Begum, learned counsel for the writ petitioner. Also heard Ms. G. Hazarika, learned Standing Counsel, Revenue Department, Assam, appearing for the respondent no.1, Ms. M. Barman, learned Junior Government Advocate, Assam, appearing for the respondent nos. 2, 3 & 6, Ms. R. S. Deuri, learned counsel for the respondent no. 4, Mr. R.R. Gogoi, learned Standing Counsel, Forest Department, Assam, appearing for the respondent no. 5 and Mr. B.K. Das, learned Counsel, for the respondent no. 7.

The central issue involved in this writ petition is pertaining to the imminent threat of landslide looming large in the area during the rainy season due to the hill cutting undertaken by the respondent no. 7. Although the hill cutting has reportedly been stopped many years back, yet, the petitioner apprehends that at some point of time due to heavy rains, there may be heavy land slide which would not only adversely affect the petitioner but also several other households, which were existing down the hills.

Mr. Mahanta's basic contention is that although the hill cutting has stopped, yet, the remedial measures, as suggested by the Disaster Management authorities, are yet to be implemented.

Mr. Mahanta has also invited the attention of this Court to the statements made in the additional affidavit dated 23/06/2023 filed by the writ petitioner to contend that during the heavy rains that took place in the month of June, 2023, there were instances of landslide in that area, posing a serious threat to the life and properties of the several persons living in the vicinity. As such, the matter deserves urgent attention of the authorities.

Ms. Barman has produced a copy of the written instruction dated 29/08/2023. However, the instruction does not reveal as to whether, the remedial measures, as proposed earlier by the Disaster Management authorities, have been implemented by the respondent no 7 and if not, whether there is any need to do so at this point of time.

Situated thus, this matter stands adjourned till 10/10/2023 so as to enable the District Commissioner/Additional District Commissioner, Kamrup(M) to swear a short affidavit clarifying on the said point.

The affidavit be brought on record positively on or before 06/10/2023 by serving advance copy upon the learned counsel for all the parties.

The Court will consider passing a final order in the writ petition on the basis of the stand taken by the District Administration, after hearing the arguments of the contesting parties.

List this case again on 10/10/2023.

JUDGE

sukhamay

Comparing Assistant