

GAHC010211672023



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

Case No. : WP(C)/5552/2023

DEEPAK BORAH
S/O- LATE KANAKESWAR BORAH,
R/O- RUPJYOTI NAGAR,
WARD NO-1,
P.O- GOLAGHAT,
DIST- GOLAGHAT, ASSAM, PIN-785621

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
ENVIRONMENT AND FOREST DEPARTMENT
DISPUR, GUWAHATI- 781006.

2:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HEAD OF
FOREST FORCE
ASSAM
ARANYA BHAWAN
PANJABARI
GUWAHATI
KAMRUP(M)
PIN- 781037
ASSAM.

3:THE DIVISIONAL FOREST OFFICER
GOLAGHAT DIVISION
PIN-785621
ASSAM

4:THE STATE LEVEL ENVIRONMENTAL IMPACT ASSESSMENT
AUTHORITY
ASSAM

BAMUNIMAIDAM
GUWAHATI
PIN--781021
REP. BY ITS MEMBER SECRETARY

5:THE DISTRICT LEVEL ENVIRONMENTAL IMPACT ASSESSMENT
AUTHORITY
REP. BY ITS CHAIRMAN

O/O THE DEPUTY COMMISSIONER
GOLAGHAT
PIN-785621
ASSAM

6:THE DEPUTY COMMISSIONER

COURT ROAD

DIST- GOLAGHAT
PIN-785621
ASSAM

7:THE CERTIFICATE OFFICER
GOLAGHAT

DIST- GOLAGHAT
PIN-785621
ASSA

Advocate for the petitioner(s): Mr. M Dutta

Advocate for the respondent(s): Mr. RR Gogoi, Standing Counsel
Forest Department

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

15.12.2025

The petitioner herein has assailed the various communications by which certain demands have been made by the Divisional Forest Officer, Golaghat directing the petitioner to make payments.

2. It is further seen that as the petitioner did not make any payment thereupon also, Bakijai proceedings was initiated by the Bakijai Officer, which is also the subject matter of the present challenge.

3. The record reveals that 22.09.2023 i.e. more than 2(two) years ago, this Court issued notice and further passed an interim direction not to make any recovery in terms with the notice dated 04.08.2023. The record reveals that whenever the matter has been listed, the Forest department has sought for time and the interim order has been extended from time to time. In spite of opportunities being granted, the Forest Department took time on 10.11.2023, 28.11.2023, 01.12.2023, 08.01.2024, 22.01.2024, 15.02.2024 and 27.10.2025, but till date, the respondent Forest Department had failed to file any affidavit. It, therefore, appears that the respondent Forest Department has no urgency in the early disposal of the instant writ petition, rather on account of non filing of the affidavit, the instant proceedings has not proceeded to the stage of disposal.

4. Mr. RR Gogoi, the learned Standing Counsel, Forest Department submits that the affidavit would be filed on or before 19.12.2025.

5. Considering the above, list this matter on 07.01.2026.

6. Interim order passed earlier shall continue till the next date fixed.

7. It is observed that if no affidavit is filed by the Forest Department within

the time permitted hereinabove, it shall be construed that the Forest Department has duly accepted the stand of the petitioner in the instant writ proceedings and by applying the principles of the *Doctrine of Non-Traverse*, this Court shall proceed to dispose of the writ petition.

JUDGE

Comparing Assistant