

PIL 78/2012

BEFORE

HON'BLE MR. JUSTICE HRISHIKESH ROY

HON'BLE MR. JUSTICE M.R. PATHAK

This PIL discloses the rampant encroachment of the protected Tribal Belt by non-tribals and the petitioner seeks direction on the State Authorities to clear the protected areas of illegal occupiers. In the counter affidavit filed by the Addl. D.C., Kamrup on 26.2.2014 and also in the counter affidavit filed by the Deputy Secretary of the Revenue Department on 14.3.2014, the backdrop on inclusion of Chapter-X in the Assam Land Revenue Regulations are delineated and it is averred that lands included within the tribal belt and blocks are to be protected, for the indigenous people of the State.

At the time when the writ petition was filed with information about 31 tribal blocks but it appears from paragraph-6 that 47 Tribal belts and blocks have now been notified to safeguard the interest of the protected class of people. In the notified areas, transaction of lands is forbidden and no right or title over tribal belt land can be acquired, through possession. Penal consequences are also envisaged for those who illegally deal with the tribal belt land.

The above affidavit(s) indicate the legal position and the obligation of the State to clear the tribal belt land from encroachers but while it is averred that the Government is serious about its obligation under Chapter-X of the Land Revenue Regulation, information is lacking on whether concrete steps are taken and how successful they are for effective protection of Tribal belt land in Assam.

In fact the BTC was impleaded as a party respondent and their response is yet to be filed in the matter. That apart, the Government had desired to file an additional affidavit reflecting the encroachment position of tribal belt land in different districts of Assam but that affidavit is not yet filed.

In view of above and having regard to the prayer made by Mr. S.R. Barua, the learned Government Advocate and Ms. B. Bhuiya, the learned Standing Counsel for the BTC, eight weeks' time is granted for comprehensive affidavits of the concerned respondents. This case be re-listed in the regular hearing list after the affidavit(s) are filed.

The Registry should reflect the name of the Standing Counsel, BTC in the cause list and in the case records.