

GAHC010220222012



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

Case No. : PIL 78/2012

1:PRODYUT KUMAR BORA
S/O SRI LAKSHMIKANTA BORA R/O TILIKIAM, BEZGAON P.S. PULIBOR,
DIST. JORHAT, ASSAM.

VERSUS

1:THE STATE OF ASSAM AND 8 ORS
REP. HEREIN BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM,
SACHIVALAYA, DISPUR, GUWAHATI- 781006.

2:THE SECRETARY TO THE GOVT. OF ASSAM
SACHIVALAYA
DISPUR
GUWAHATI- 781006.

3:THE SECRETARY TO THE GOVT. OF ASSAM
WELFARE OF PLAINS TRIBES AND BACKWARD CLASS DEPT.
SACHIVALAYA
DISPUR
GUWAHATI- 781006.

4:THE DEPUTY COMMISSIONER
KAMRUP METRO.

5:THE DEPUTY COMMISSIONER
KAMRUP
NORTH GUWAHATI.

6:THE DEPUTY COMMISSIONER
DHEMAJI
DIST. DHEMAJI.

7:THE DEPUTY COMMISSIONER
TINSUKIA

DIST. TINSUKIA.

8:THE DEPUTY COMMISSIONER
GOALPARA
DIST. GOALPARA.

9:THE DEPUTY COMMISSIONER
MORIGAON
DIST. MORIGAON.

10:MARKUSH BASUMATARY
S/O- LT. RAJENDRA BASUMATARY
R/O VILL.- SOUTH GANDABIL
V.C.D.C. AMGURI
P.S.- AMGURI
DIST.- CHIRANG
BTAD
ASSAM.

11:THE B.T.C.
REP. BY THE PRINCIPAL SECY.
B.T.C.
KOKRAJHAR
DIST.- KOKRAJHAR
ASSAM.

12:THE PRINCIPAL SECY.
B.T.C.
KOKRAJHAR
ASSAM

Advocate for the Petitioner : P K GOSWAMI

Advocate for the Respondent : MR.U S BORA

BEFORE

HON'BLE THE CHIEF JUSTICE MR. AJJIKUTTIRA SOMAIAH BOPANNA

HON'BLE MR. JUSTICE ARUP KUMAR GOSWAMI

ORDER

26.03.2019

[A.S. Bopanna, CJ]

In response to the prayer made in the petition, the affidavit has been filed by the respondent State through its Joint Secretary, wherein details with regard to the encroachment position and the

action taken has been stated. However, keeping in view the nature of the grievance put forth in the petition, the details will have to be more specific in relation to the number of persons having encroached the land as per the encroachment position indicated and also the details as to whether any non-tribal persons are in occupation of the area earmarked for the tribal people.

An exercise in this regard shall be made by the respondent State as also the BTC and the details in that regard be brought on record through an affidavit. The affidavit to that effect shall be filed within 4(four) months from this day.

Needless to mention that in the process of collecting the materials, the Deputy Commissioners of all the districts from whom the Secretaries/Joint Secretaries may seek the details shall forthwith collect the materials and furnish the same so as to enable the appropriate affidavit to be filed before this Court.

List after 4(four) months.

Sd/-
JUDGE

Sd/-
CHIEF JUSTICE

Comparing Assistant