

GAHC010237192022



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

**Case No. : WP(C)/7447/2022**

BINOY KUMAR ARJYA AND 5 ORS  
S/O. GIRIN ARJYA, R/O. BOLODMARI TILAPARA PHE ROAD, P.O. AND P.S.  
BOLODMARI, DIST. GOALPARA-783121, ASSAM.

2: MOZAFOR ALI  
S/O. LT. MOHAMMAD ALI  
R/O. BOLODMARI TILAPARA PHE ROAD  
P.O. AND P.S. BOLODMARI  
DIST. GOALPARA-783121  
ASSAM.

3: HASSAN ALI  
S/O. LT. JOMER ALI  
R/O. BOLODMARI TILAPARA PHE ROAD  
P.O. AND P.S. BOLODMARI  
DIST. GOALPARA-783121  
ASSAM.

4: PULIN GHOSH  
S/O. PRAFULLA KAR GHOSH  
VILL. GOALTULI  
P.O. AND P.S. GOALPARA  
DIST. GOALPARA-781321.

5: WAZED ALI  
S/O. LT. MONSER ALI  
R/O. BOLODMARI TILAPARA PHE ROAD  
P.O. AND P.S. BOLODMARI  
DIST. GOALPARA-783121  
ASSAM.

6: BASER ALI  
S/O. LT. FOYEZ ALI  
R/O. BOLODMARI TILAPARA PHE ROAD

P.O. AND P.S. BOLODMARI  
DIST. GOALPARA-783121  
ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS  
REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM,  
URBAN DEVELOPMENT DEPTT., DISPUR, GUWAHATI-781006.

2:THE DIRECTOR OF ADMINISTRATION  
ASSAM  
DIRECTORATE OF MUNICIPAL ADMINISTRATION  
DISPUR  
GUWAHATI-781006  
ASSAM.

3:THE DEPUTY COMMISSIONER  
GOALPARA DISTRICT  
GOALPARA-783101  
ASSAM.

4:THE GOALPARA MUNICIPAL BOARD  
GOALPARA-783101  
DIST. GOALPARA  
ASSAM.

5:THE EXECUTIVE OFFICER  
GOALPARA MUNICIPAL BOARD  
GOALPARA-783101  
ASSAM.

6:THE WARD COMMISSIONER  
WARD NO. 18  
GOALPARA MUNICIPAL BOARD  
GOALPARA  
ASSAM.

7:THE POLLUTION CONTROL BOARD  
ASSAM  
BAMUNIMAIDAN  
GUWAHATI-784021  
REP. BY ITS MEMBER SECRETARY

**Advocate for the Petitioner** : MR. B D KONWAR SR. ADV.

**Advocate for the Respondent** : GA, ASSAM

**BEFORE  
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

**ORDER**

**Date : 27.02.2023**

Heard Mr. B.D. Konwar, learned Senior Counsel assisted by Ms. M. Zomuanuii, learned counsel for the petitioners; Mr. N. Goswami, learned Additional Junior Government Advocate, Assam for the respondent nos. 1, 2 & 3; Mr. K. Gogoi, learned Additional Senior Government Advocate, Assam for the respondent nos. 4, 5 & 6 and Mr. S. Baruah, learned Standing Counsel, Pollution Control Board [PCB] for the respondent no. 7.

2. The subject-matter of this writ petition is construction of a fecal sludge treatment plant which is being undertaken by the respondent Goalpara Municipal Board authorities.

3. Mr. Konwar, learned Senior Counsel for the petitioner has submitted construction of a fecal sludge treatment plant has to be done in compliance of the provisions contained in the Solid Waste Management Rules, 2016. But in the case in hand, the statutory provisions have not been complied with and as the fecal sludge treatment plant is being constructed near human habitation, the same has become a threat to the environment and to the human habitation in the vicinity.

4. Mr. Gogoi, learned counsel for the respondent nos. 4, 5 & 6 has submitted that a counter affidavit on behalf of the respondent Municipal Board authorities has already been filed on 10.02.2023. As the counter affidavit of the Municipal Board authority is not on record, the same be traced out and tagged with the case record.

5. In view of the issues raised by the petitioners, instructions from the respondent no. 3 are also necessary. Mr. Goswami, learned Junior Government Advocate, Assam shall also obtain instruction from the respondent no. 3 regarding adherence to the provisions of the Solid Waste Management Rules, 2016 in setting up the fecal sludge treatment plant at the location.

6. List the case on 17.03.2023.

**JUDGE**

**Comparing Assistant**