

GAHC010256972014



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

Case No. : WP(C) 4103/2014

1:JUGAL KUMAR NATH
S/O SRI GIRISH CHANDRA NATH R/O VILL- BATARHAT DAHALI
BATARHAT, P.S. PALASHBARI, DIST. KAMRUP, ASSAM.

VERSUS

1:THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
FOREST DEPARTMENT, SACHIVALAYA, DISPUR, GUWAHATI- 781006.

2:THE SECRETARY TO THE GOVT. OF ASSAM
ENVIRONMENT AND FOREST DEPARTMENT
SACHIVALAYA
DISPUR
GUWAHATI- 781006.

3:THE PRINCIPAL CHIEF CONSERVATOR OF
FORESTS AND HEAD OF FOREST FORCE
ASSAM
REHABARI
GUWAHATI- 781008.

4:THE CHIEF CONSERVATOR OF FORESTS
CENTRAL ASSAM
PANBAZAR
GUWAHATI- 781001.

5:THE DIVISIONAL FORESTS OFFICER
KAMRUP WEST DIVISIONN
BAMUNIGAON
DIST. KAMRUP
ASSAM

Advocate for the Petitioner : MS.N S THAKURIA

Advocate for the Respondent :

Linked Case : WP(C) 4266/2016

1:JUGAL KR. NATH
S/O- SRI GIRISH CHANDRA NATH
R/O VILL.- BATARHAT DAHALI
P.O.- BATARHAT
P.S.- PALASHBARI
DIST.- KAMRUP
ASSAM.

VERSUS

1:THE STATE OF ASSAM and 6 ORS.
REP. BY THE COMMISSIONER and PRINCIPAL SECY. TO THE GOVT. OF
ASSAM
FOREST DEPTT.
ASSAM SACHIVALAYA
DISPUR
GHY- 6.

2:THE SECY. TO THE GOVT. OF ASSAM
ENVIRONMENT AND FOREST DEPTT.
ASSAM SACHIVALAYA
DISPUR
GHY- 6.

3:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HEAD OF
FOREST FORCE
ASSAM
PANJABARI
GHY- 37.

4:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS T
LOWER ASSAM ZONE
PANBAZAR
GHY- 1.

5:THE CHIEF CONSERVATOR OF FORESTS
CENTRAL ASSAM CIRCLE
PANBAZAR

GHY- 1.

6:THE DIVISIONAL FORESTS OFFICER
KAMRUP WEST DIVISION
BAMUNIGAON
DIST.- KAMRUP
ASSAM
PIN- 781141.

7:NILIMA BODO
W/O- SRI BINOY DAS
JANATA PRESS ROAD
MIRZA- 781125
P.O.- MIRZA
P.S.- PALASBARI
DIST.- KAMRUP
ASSAM.

Advocate for the Petitioner : MS.N DEB
Advocate for the Respondent : MS.R BORAH

Linked Case : WP(C) 4780/2015

1:JUGAL KUMAR NATH
S/O SRI GIRISH CHANDRA NATH R/O VILL- BATARHAT DAHALI
P.O. BATARHAT
P.S. PALASHBARI
DIST. KAMRUP
ASSAM.

VERSUS

1:THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FOREST DEPARTMENT
ASSAM SACHIVALAYA
DISPUR
GUWAHATI - 781006.

2:THE SECRETARY TO THE GOVT. OF ASSAM
ENVIRONMENT AND FOREST DEPARTMENT
ASSAM SACHIVALAYA
DISPUR
GUWAHATI- 781006.

3:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS
AND HEAD OF FOREST FORCE
ASSAM
REHABARI
GUWAHATI- 781008.

4:THE CHIEF CONSERVATOR OF FORESTS
CENTRAL ASSAM
PANBAZAR
GUWAHATI- 781001.

5:THE CONSERVATOR OF FORESTS
CENTRAL ASSAM CIRCLE
PANBAZAR
GUWAHATI- 781001.

6:THE DIVISINAL FORESTS OFFICER
KAMRUP WEST DIVISION
BAMUNIGAON
DIST. KAMRUP
ASSAM
PIN - 781141.

Advocate for the Petitioner : MS.P DEB
Advocate for the Respondent :

Linked Case : MC 2777/2014

1:JUGAL KUMAR NATH

VERSUS

1:THE STATE OF ASSAM AND 4 ORS

Advocate for the Petitioner : MR.D BORAH
Advocate for the Respondent :

Linked Case : I.A. 1623/2015

1:JUGAL KUMAR NATH

VERSUS

1:THE STATE OF ASSAM AND 5 ORS

Advocate for the Petitioner : MS.N S THAKURIA
Advocate for the Respondent : SC
FORESTR1-5

**BEFORE
HONOURABLE MR. JUSTICE PRASANTA KUMAR DEKA**

ORDER

Date : 28-08-2019

Heard Ms. M. Dev, the learned counsel for the petitioner. Also heard Mr. B. K. Kar, the learned counsel appearing for the respondent No. 7 in WP(C) No. 4266/2016 and Mr. S. Dutta, the learned Standing Counsel for the Forest Department.

WP(C) 4780/2015 was filed by the petitioner after the contract for mining was terminated vide order 00 No. 208 dated 03.08.2015 issued by the Divisional Forest Officer, Kamrup West Division and allowed the petitioner to extract sand. In the said WP(C) 4780/2015 vide order dated 14.08.2015, operation of the termination order dated 03.08.2015 was stayed subject to condition that the petitioner deposit an amount of Rs. 30 lacs within a period of 2(two) weeks from 14.08.2015. Upon deposit of the said amount, the respondents were directed to allow the petitioner to extract sand in strict terms of the contract. In fact, the termination order was passed due to default in payment of the kist amount. The petitioner failed to deposit the said amount of Rs. 30 Lacs as per the order dated 14.08.2015. As apparent from the order dated 04.05.2016 in WP(C) No. 4780/2015, it was brought to the notice of the Court by the learned Standing Counsel for the Forest Department that a fresh sale notice was issued for the said contract area and the tender process was going to be finalised shortly. On the basis of the said sale notice, after the termination of the contract with the petitioner, a fresh settlement was granted for extraction of sand from the said contract area to Smt. Nilima Boro. As such WP(C) No. 4266/2016 was filed for a direction to recall or forebear from giving an effect to the mining

permit issued to said Nilima Boro, the respondent No. 7 in WP(C) 4266/2016.

Considering the subsequent events arising after filing of WP(C) 4103/2014 Mr. Kar and Mr. Dutta both the learned counsel for the respondents sought for 4 (four) weeks' time to bring on record the respective affidavit-in-opposition.

Accordingly, time is granted.

List on **23.10.2019**.

JUDGE

Comparing Assistant