

GAHC010267422018



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

Case No. : PIL/77/2018

ASOM BASAOK

A NGO BEARING REGISTRATION NO. KAH(H)/263/K/211 HAVING ITS REGISTERED OFFICE AT ASOM BASAOK, 302 BASISTHA ROAD, THE WILDERNESS, BELTOLA, GUWAHATI- 781028 REPRESENTED BY ITS GENERAL SECRETARY, SHRI RAJEEV BHATTACHARYYA, S/O SHRI HIRANYA KUMAR BHATTACHARYYA.

VERSUS

THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE AND 37 ORS.
REPRESENTED BY ITS SECRETARY, INDIRA PARYAVARAN BHAVAN, JORBAGH ROAD, NEW DELHI- 110003.

2:FOREST SURVEY OF INDIA
(MINISTRY OF ENVIRONMENT AND FORESTS AND CLIMATE CHANGE)
REPRESENTED BY ITS DIRECTOR GENERAL,
KAULAGARH ROAD, P.O. IPE DHERADUN- 248195
UTTARAKHAND (INDIA).

3:THE STATE OF ASSAM
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM, DISPUR, GUWAHATI- 781006.

4:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
FOREST AND ENVIRONMENT DEPARTMENT, DISPUR
GUWAHATI-6.

5:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
LAND REVENUE AND DISASTER MANAGEMENT DEPARTMENT
DISPUR, GUWAHATI-6.

6:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HEAD OF FOREST FORCE, ASSAM, PANJABARI, GUWAHATI.

7:(SPECIAL) PRINCIPAL CHIEF CONSERVATOR OF FOREST,
KARBI ANGLONG, DIPHU.

8:(SPECIAL) PRINCIPAL CHIEF CONSERVATOR OF FOREST
(LOWER ASSAM ZONE)

9:(SPECIAL) PRINCIPAL CHIEF CONSERVATOR OF FOREST
(CAMPA)
O/O THE PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HEAD OF
FOREST FORCE, ASSAM.

10:(SPECIAL) PRINCIPAL CHIEF CONSERVATOR OF FOREST
(BIO-DIVERSITY AND CLIMATE CHANGE)
O/O THE PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HEAD OF
FOREST FORCE, ASSAM.

11:THE DIVISIONAL FOREST OFFICER, NAGAON DIVISION.

12:THE DIVISIONAL FOREST OFFICER, GOLAGHAT.

13:THE DIVISIONAL FOREST OFFICER, NORTH KAMRUP
RANGIA.

14:THE DIVISIONAL FOREST OFFICER, LAKHIMPUR.

15:THE DIVISIONAL FOREST OFFICER, DHEMAJI DIVISION.

16:THE DIVISIONAL FOREST OFFICER,
NAGAON WL DIVISION.

17:THE DIVISIONAL FOREST OFFICER,
CACHAR DIVISION

18:THE DIVISIONAL FOREST OFFICER,
EAWL, BOKAKHAT.

19:THE DIVISIONAL FOREST OFFICER,
KAMRUP EAST DIVISION.

20:THE DIVISIONAL FOREST OFFICER,
JORHAT DIVISION.

21:THE DIVISIONAL FOREST OFFICER,
NAGAON SF DIVISION
NAGAON.

22:THE DIVISIONAL FOREST OFFICER,
LAKHIMPUR SF DIVISION.

23:THE DIVISIONAL FOREST OFFICER,
SONITPUR EAST DIVISION, BISWANATH CHARIALI.

24:THE DIVISIONAL FOREST OFFICER,
PARBOTJHORA DIVISION, SUPARIGHAT.

25:ASSISTANT CONSERVATOR OF FOREST
ATTACHED TO THE DIVISIONAL FOREST OFFICER
SONITPUR WEST DIVISION.

26:ASSISTANT CONSERVATOR OF FOREST
ATTACHED TO THE THE DIVISIONAL FOREST OFFICER
LAKHIMPUR DIVISION.

27:ASSISTANT CONSERVATOR OF FOREST
ATTACHED TO THE THE DIVISIONAL FOREST OFFICER EAWL DIVISION
BOKAKHAT.

28:THE DIVISIONAL FOREST OFFICER,
KAMRUP WEST DIVISION, BAMUNGAON,
KAMRUP, ASSAM.

29:THE DIVISIONAL FOREST OFFICER,
KAMRUP EAST DIVISION, BASISTHA
KAMRUP, ASSAM.

30:THE DIVISIONAL FOREST OFFICER,
KARIMGANJ DIVISION,
DIST. KARIMGANJ, ASSAM.

31:THE DIVISIONAL FOREST OFFICER,
DIGBOI DIVISION,
DIST. TINSUKIA, ASSAM.

32:THE DIVISIONAL FOREST OFFICER,
N.C. HILLS DIVISION, HAFLONG, ASSAM.

33:THE DIVISIONAL FOREST OFFICER,
AIE VALLEY DIVISION, BONGAIGAON, ASSAM.

34:THE DIVISIONAL FOREST OFFICER,
KACHUGAON DIVISION, GOSAIGAON, ASSAM.

35:THE DIVISIONAL FOREST OFFICER,
HALTUGAON DIVISION, KOKRAJHAR, ASSAM.

36:THE DIVISIONAL FOREST OFFICER,
DHEMAJI DIVISION, DHEMAJI, ASSAM.

37:THE DIVISIONAL FOREST OFFICER,
SIVASAGAR DIVISION, KAMRUP, ASSAM.

38:THE DIVISIONAL FOREST OFFICER,
DIBRUGARH DIVISION, KAMRUP, ASSAM

For the Petitioner : Mr. K.N. Choudhury, Senior Advocate assisted by
Ms. N. Mahanta, Advocate.

For the Respondents : Mr. D. Saikia, Advocate General, Assam.
Mr. R.K.D. Choudhury, Deputy Solicitor General of
India.
Mr. K.P. Pathak, Standing Counsel, Forest
Department.
Ms. N. Bordoloi, Standing Counsel, Revenue
Department.
Mr. B.D. Goswami, Additional Advocate General,
Arunachal Pradesh.

- BEFORE -

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUMAN SHYAM

26.07.2023

An additional affidavit has been filed by the respondent No.6 on 18.05.2023 annexing therewith a brief report on encroachment in reserved forests along the Assam State borders.

A perusal of the affidavit would reveal that significant areas of forests which are located on the common borders with the States of Mizoram, Nagaland

and Arunachal Pradesh have been encroached upon.

In view of the facts noted above, we hereby direct Mr. B.D. Goswami, learned Additional Advocate General, Arunachal Pradesh, to appear on behalf of State of Arunachal Pradesh; Mr. A. Kalita, learned Additional Advocate General, Mizoram to appear on behalf of State of Mizoram and Ms. T. Khro, Additional Advocate General, Nagaland to appear on behalf of State of Nagaland in this matter.

Copy of the additional affidavit and the aforesaid report be provided to all the three learned Additional Advocate Generals who shall file response to the contents of the report on behalf of the respective State by the next date of listing.

Efforts shall be made in co-ordination with the Secretaries concerned of Assam, Mizoram, Nagaland and Arunachal Pradesh to resolve the issue of encroachment irrespective of the boundary disputes.

The names of learned Additional Advocate General concerned shall henceforth be reflected in the cause-list.

Re-notify on 21.09.2023 along with PIL No.39/2023.

JUDGE

CHIEF JUSTICE

Comparing Assistant