

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

Advocate for the Respondent : ASSTT.S.G.I., MS. T KHRO, ADDL. AG, NAGALAND,MR. A KALITA, ADDL. AG, MIZORAM,MR. B D GOSWAMI, ADDL. AG, ARUNACHAL PRADESH,GA, ASSAM,SC, FOREST,SC, REVENUE

Linked Case : PIL/39/2023

PARITOSH KUMAR DAS AND ANR
S/O- LATE ROMENDRA MOHAN DAS
VILLAGE- PUB BAZARICHERRA (BLK-2)
P.S.- BAZARICHERRA
DIST.- KARIMGANJ
ASSAM
PIN- 788727.

2: RAJ SHEKHAR DUTTA
S/O- LATE CHIRANJIB DUTTA
RESIDENT OF STATION ROAD
KARIMGANJ TOWN
WARD NO. 22 (NEW)
PS- KARIMGANJ
DIST- KARIMGANJ
ASSAM
PIN- 788710.
VERSUS

THE STATE OF ASSAM AND 6 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
ENVIRONMENT AND FOREST DEPARTMENT
DISPUR, GUWAHATI-06
DIST- KAMRUP(M)
ASSAM.

2:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HEAD OF FOREST
FORCES
ASSAM
ENVIRONMENT AND FOREST DEPARTMENT
ARANYA BHAWAN
PANJABARI ROAD
GUWAHATI- 781037
DIST.- KAMRUP(M)
ASSAM.

3:THE DIVISIONAL FOREST OFFICER
KARIMGANJ
P.O.- KARIMGANJ

PS.- KARIMGANJ
DIST.- KARIMGANJ
ASSAM.

4:THE RANGE FOREST OFFICER
LOWAIRPOA RANGE
KARIMGANJ
PS- KARIMGANJ
DIST- KARIMGANJ
ASSAM.

5:THE RANGE FOREST OFFICER
DUHALIA RANGE
KARIMGANJ
PS- KARIMGANJ
DIST- KARIMGANJ
ASSAM.

6:THE RANGE FOREST OFFICER
PATHARKANDI RANGE
KARIMGANJ
PS- KARIMGANJ
DIST- KARIMGANJ
ASSAM.

7:THE DEPUTY COMMISSIONER
KARIMGANJ
P.O. AND PS- KARIMGANJ
DIST- KARIMGANJ
ASSAM.

For the petitioners : Mr. K. N. Choudhury, Sr. Advocate
Mr. N. Gautam, Advocate

For respondent(s) : Mr. D. Saikia, AG, Assam
Mr. R.K. D. Choudhury, CGC
Mr. I. Choudhury, AG, Arunachal Pradesh
Ms. M. Kechii, Addl. AG, Nagaland
Ms. P. Bhattacharya, Add. AG, Mizoram
Mr. K.P. Pathak, SC, Forest
Ms. N. Bordoloi, SC, Revenue

– BEFORE –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI

HON'BLE MR. JUSTICE SUMAN SHYAM

08.08.2024

(Vijay Bishnoi, CJ)

In these PIL petitions, the petitioners have raised grievance regarding the encroachments made in the reserve forest land areas in the State of Assam.

Considering the fact that mostly the encroachments have been made on the land falling within the reserve forest areas of Assam bordering the States of Mizoram, Nagaland and Arunachal Pradesh, this Court, vide order dated 26.07.2023 directed the respective counsel representing the States of Mizoram, Nagaland and Arunachal Pradesh to file their response. It was further observed by this Court that efforts be made by the Government of Assam in coordination with the Secretaries concerned of the States of Mizoram, Nagaland and Arunachal Pradesh to resolve the issue of such illegal encroachments irrespective of the boundary disputes of the State of Assam with the States of Mizoram, Nagaland and Arunachal Pradesh.

Though affidavits have been filed on behalf of the States of Mizoram, Nagaland and Arunachal Pradesh, however, from these affidavits it cannot be gathered that the State Governments of the above referred three States have come out with any suggestions as to how to make the reserve forest land situated in the inter-State border areas encroachment free.

Learned Advocate General, Assam, Mr. D. Saikia has submitted that, as a matter of fact, the efforts earlier made by the State of Assam to remove the encroachments in the Inner Line Reserve Forest area, which is situated in the inter-State border area of the State of Assam and Mizoram, had been resisted by the people from Mizoram.

Having taken into consideration the above facts and circumstances of the case, we deem it appropriate to direct the learned counsel representing the States of Mizoram,

Nagaland and Arunachal Pradesh to file their respective affidavits mentioning the measures carried out by these States to remove the illegal encroachments in the reserve forest land situated in the inter-State border of these States with the State of Assam. For that purpose, six weeks' time is granted to the learned counsel appearing for the States of Mizoram, Nagaland and Arunachal Pradesh.

Copy of the affidavits be furnished to Mr. K. N. Choudhury, learned Senior Counsel for petitioners as well as to Mr. D. Saikia, learned Advocate General, Assam, in advance.

List after eight weeks.

JUDGE

CHIEF JUSTICE

Comparing Assistant