

GAHC010267422018



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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 BASISHTHA ROAD, THE WILDERNESS, BELTOLA, GUWAHATI- 781028 REPRESENTED BY ITS GENERAL SECRETARY, SHRI RAJEEV BHATTACHARYYA, S/O SHRI HIRANYA KUMAR BHATTACHARYYA.

VERSUS

1.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 CONSERVAOTR 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

Linked Case : PIL/39/2023

1.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

1.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 RANGEKARIMGANJ
PS- KARIMGANJ DIST- KARIMGANJ ASSAM.

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

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

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

For the Petitioner(s) : Mr. N. Gautam, Advocate on behalf of Mr. K.N. Choudhury, Senior Advocate in PIL No.77/2018.

For the Respondent(s) : Mr. D. Saikia, Advocate General, Assam; assisted by Mr. K.P. Pathak, Standing Counsel Forest Department.

: Mr. B. Deb, Advocate General, Mizoram (through video-conferencing)

: Mr. A. Barua, Government Advocate, Mizoram.

: Mr. K.N. Balgopal, Advocate General, Nagaland (through video-conferencing).

: Ms. M. Kechii, Additional Advocate General, Nagaland.

: Mr. A. Chandran, Senior Government Advocate, Arunachal Pradesh.

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

29.07.2025

(Ashutosh Kumar, CJ)

We have heard Mr. N. Gautam, learned Advocate for the petitioners in PIL No.77/2018. Also heard Mr. D. Saikia, learned Advocate General, Assam; Mr. B. Deb, learned Advocate General, Mizoram; Mr. K.N. Balgopal, learned Advocate General, Nagaland and Mr. A. Chandran, learned Senior Government Advocate, Arunachal Pradesh.

It is very heartening to note that all the States are *ad idem* on the issue of the importance of clearance of the forest area of all encroachments.

It appears that several rounds of meetings have taken place between the officials of the States to come to a consensus and build a roadmap for making the forests encroachment free.

There are some issues which are plaguing complete implementation of

this mission; may be certain litigations pending before the Supreme Court and there are also some other contentious issues with respect to the occupation of the people in the inner-line forest area.

This Court believes that nothing can remain unresolved with a fruitful dialogue.

It is acceptable to all the learned Advocate Generals of the States to convene a High Level Meeting of the Chief Secretaries and Chief of the Forest Departments of each of the States as well as other relevant stakeholders for formulating a comprehensive plan for making the forest area encroachment free.

We have also appreciated the stand of the States in not bringing here any issue relating to border dispute between the States.

Border disputes would be resolved but before that, what is of utmost importance is that the forest area falling under the territorial jurisdiction of the States ought to be free of all encroachments. This would be in compliance of the Supreme Court judgment in that regard.

Without making the entire forest area encroachment free, the biotic pressure cannot be easened.

We hope and expect that by the next date, this Court would be informed about the resolution passed by the High Level Committee, about which reference has been made in the earlier paragraph of this order, and its implementation on the ground.

We would appreciate if all the States put in their response affidavit(s) stating the part of the responsibility which they would be discharging after the meeting and after the resolution to that effect is formulated.

List these matters for further consideration on **04.11.2025**.

JUDGE

CHIEF JUSTICE

Comparing Assistant