

GAHC010019732016



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

Case No. : PIL/50/2016

SRI ANIT CHETRI and 2 ORS.
S/O LT. DEBI BAHADUR CHETRI, VILL. MAIJAN BORSAIKIA GAON, P.O.
HILOIDHARI, DIST- DIBRUGARH, ASSAM

2: BINA SAIKIA
D/O UTTAM SASIKIA
VILL. MAIJAN BORSAIKIA GAON
P.O. HILOIDHARI DIST- DIBRUGARH ASSAM

3: MAYA SARMA
W/O SRI BISHNU SARMA
VILL. MAIJAN BORSAIKIA GOAN
P.O. HILOIDHARI DIST- DIBRUGARH ASSAM

VERSUS

1. THE STATE OF ASSAM AND 9 ORS
REP. BY THE CHIEF SECY., ASSAM SECRETARIAT, DISPUR, ASSAM

2: THE COMMISSIONER and SECY. TO THE GOVT. OF ASSAM
DEPTT. OF MUNICIPAL ADMINISTRATION
DISPUR ASSAM

3: THE COMMISSIONER and SECY. TO THE GOVT. OF ASSAM
DEPTT. OF PUBLIC HEALTH
DISPUR ASSAM

4: THE COMMISSIONER and SECY. TO THE GOVT. OF ASSAM
WATER RESOURCE DEPTT.
DISPUR ASSAM

5: THE SECY. TO THE GOVT. OF ASSAM
ENVIRONMENT and FOREST DEPTT.
DISPUR GHY-6

6:THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY
ASSAM BAMUNIMAIDAM GHY-21

7:THE DY. COMMISSIONER DIBRUGARH ASSAM

8:THE PROJECT DIRECTOR
ASSAM URBAN INFRASTRUCTURE INVESTMENT PROGRAM AUIIP
GUWAHATI DEV. DEPTT.
3RD FLOOR TRIPTI TOWERS
GANESHGURI GHY-5

9:DIBRUGARH MUNICIPAL BOARD
REP. BY ITS CHAIRMAN

10:THE SUPERINTENDENT OF POLICE
DISTRICT DIBRUGARH ASSAM

Linked Case : PIL/38/2022

ORIENTAL RURAL DEVELOPMENT SOCIETY AND 7 ORS
KATIMARI PATHER NAGAON
REPRESENTED BY ITS SECRETARY SHARIFUZ ZAMAN
AGE- 38 YEARS
S/O- ABDUL HEKIM
VILL.- KATIMARI PATHAR NEAR CRPF CAMP
P.O. HERAPATTY P.S. AND DIST. NAGAON ASSAM PIN- 782002.

2: MAJ KATIMARI PATHER A.W.C
KATIMARI PATHER NAGAON
REPRESENTED BY ITS SECRETARY MS. MONOWARA BEGUM
AGE-54 YEARS
W/O- JALAL UDDIN
VILL.- KATIMARI PATHAR
P.O. HERAPATTY P.S. AND DIST. NAGAON ASSAM PIN- 782002

3: DAKHIN KATIMARI PATHER MINI A.W.C.
KATIMARI PATHER NAGAON
REPRESENTED BY ITS SECRETARY
MS. ZANNATUL FERDOUS
AGE- 30 YEARS
W/O- ARSHAFUL ANOWAR
VILL.- KATIMARI PATHAR
P.O. HERAPATTY PS.. AND DIST. NAGAON ASSAM PIN- 782002.

4: NO. 1 KATIMARI DOLONI PATHER A.W.C.
KATIMARI PATHER
NAGAON REPRESENTED BY ITS SECRETARY MS. SHAFIA BEGUM
AGE 44 YEARS
MS. SHAFIA BEGUM
AGE 44 YEARS
W/O- MOZIBUR RAHMAN
VILL.- KATIMARI PATHAR P.O. HERAPATTY
P.S. AND DIST. NAGAON ASSAM PIN- 782002.

5: HERAPATI GAON PANCHAYAT
WARD NO. 9 KATIMARI PATHER NAGAON
REPRESENTED BY ITS VICE PRESIDENT
MS. AKLIMA KHATUN, AGE- 30 YEARS
D/O- SUKUR ALI
VILL.- KATIMARI PATHAR P.O. HERAPATTY
P.S. AND DIST. NAGAON ASSAM PIN- 782002.

6: HERAPATI GAON PANCHAYAT
WARD NO. 8, KATIMARI PATHER NAGAON
REPRESENTED BY ITS WARD MEMBER
MS. ELOWARA BEGUM AGE 30 YEARS
W/O- JAHIRUL ISLAM
VILL.- KATIMARI PATHAR, P.O. HERAPATTY
P.S. AND DIST. NAGAON ASSAM PIN- 782002.

7: MOZIBUR RAHMAN
S/O- ALAL UDDIN
VILL.- KATIMARI PATHAR
P.O. HERAPATTY P.S. AND DIST. NAGAON
ASSAM PIN- 782002.

8: INNAS ALI
S/O- LATE SABED ALI
VILL.- KATIMARI PATHAR P.O. HERAPATTY
P.S. AND DIST. NAGAON ASSAM PIN- 782002.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, MUNICIPAL ADMINISTRATION DEPARTMENT
DISPUR GUWAHATI-781006.

2: THE DIRECTOR
MUNICIPAL ADMINISTRATION DEPARTMENT
DISPUR GUWAHATI-781006.

3:THE DEPUTY COMMISSIONER
NAGAON DISTRICT NAGAON ASSAM PIN- 782001.

4:NAGAON MUNICIPAL BOARD
REPRESENTED BY ITS CHAIRMAN
NAGAON PIN- 782001.

5:CHIARMAN
NAGAON MUNICIPAL BOARD
NAGAON PIN- 782001.

Linked Case : PIL/74/2019

ON THE DEATH OF SANTI LAL ACHARJEE
HIS LEGAL HEIR SMTI. SUMITA ACHARJEE
D/O LATE SANTI LAL ACHARJEE
R/O DARIKAPAR KHATAPATHAR MOUZA NAGARMAHAL
P.O.- NAMTIAL PATHAR P.S. AND DIST- SIVASAGAR ASSAM PIN-785697

VERSUS

THE STATE OF ASSAM AND ORS
THROUGH THE SECY
DEPTT. OF MUNICIPAL ADMINISTRATION GOVT. OF ASSAM
ASOM SACHIVALAYA DISPUR GHY-6.

2:TO THE SECY.-IN-CHARGE
DEPT. OF URBAN DEVELOPMENT
GOVT. OF ASSAM
ASOM SACHIVALAYA DISPUR GHY-6.

3:DEPUTY COMMISSIONER,SIVASAGAR DISTRICT
P.O. AND DIST. SIVASAGAR ASSAM

4:DISTRICT MEDICAL OFFICER
CIVIL HOSPITAL SIVASAGAR
P.O. AND DIST. SIVASAGAR ASSAM

5:DISTRICT-IN-CHARGE
POLLUTION CONTROL BOARD
MELACHAKAR SIVASAGAR
P.O. AND DIST. SIVASAGAR ASSAM

6:SIVASAGAR MUNICIPAL BOARD
REP. BY THE CHAIRMAN
P.O. AND DIST. SIVASAGAR ASSAM

7:SIVASAGAR DEVELOPMENT AUTHORITY
REP. BY THE CHAIRMAN
CENTRAL MARKET SIVASAGAR
P.O. AND DIST. SIVASAGAR ASSAM

8:THE UNION OF INDIA
REPRESENTED BY THE SECRETARY
MINISTRY OF HOUSING AND URBAN AFFAIRS
GOVERNMENT OF INDIA
NEW DELHI-110001.

For the Petitioner(s) : Mr. M. Smith, Advocate in PIL No.50/2016.
: Mr. N.K. Sarma, Advocate in PIL No.38/2022

For the Respondent(s) : Mr. D. Nath, Senior Government Advocate, Assam in PIL
No.50/2016.
: Ms. R.B. Bora, Junior Government Advocate, Assam in
PIL No.50/2016.
: Ms. A. Lodha, Advocate on behalf of Mr. R.M. Das,
Advocate for respondent No.4 in PIL No.50/2016.
: Mr. T.J. Mahanta, Senior Advocate in PIL No.74/2019.
: Mr. R.K. Bora, Additional Senior Government Advocate,
Assam in PIL No.74/2019.
: Mr. S.C. Khaund, Advocate in PIL No.38/2022.

– BEFORE –
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE SUMAN SHYAM

01.04.2024

(Vijay Bishnoi, CJ)

These three writ petitions in the design of Public Interest Litigation (PIL Nos.50/2016, 74/2019 and 38/2022) are being filed in individual capacity with a prayer to direct the respondents to address the problem of garbage and shifting of dumping stations in the various cities as well as regarding the solid waste management in the State of Assam.

All these petitions are heard together taking into consideration the fact that the solid waste management in the State of Assam is a problem which is faced by the residents of the State of Assam since long.

Response has been filed on behalf of the State wherein it is indicated that certain measures have been taken by the State to address the problem of solid waste management in the State of Assam.

Having considered the facts and circumstances of the cases, we deem it appropriate to request Mr. D.K. Das, learned Advocate to assist the Court as *Amicus Curiae*. Mr. Das is ready to assist the Court as *Amicus Curiae* in these matters.

List these matters on 29.04.2024 by reflecting the name of Mr. D.K. Das, learned Advocate as *Amicus Curiae*.

All the records such as copies of the writ petitions as well as response filed on behalf of the various respondents be furnished to him within a period of 1(one) week.

Mr. Das may file his response within further 2(two) weeks.

JUDGE

CHIEF JUSTICE

Comparing Assistant