

GAHC010096702022



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

Case No. : PIL/38/2022

1. 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 AGR 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

1.THE STATE OF ASSAM AND 9 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.

6:THE UNION OF INDIA

REPRESENTED BY THE SECRETARY
MINISTRY OF ENVIRONMENT AND CLIMATE CHANGE
JOR BAGH ROAD LODI COLONY NEW DELHI PIN- 110003

7:CENTRAL POLLUTION CONTROL BOARD

REPRESENTED BY CHAIRMAN
PARIVESH BHAWAN EAST ARJUN NAGAR DELHI PIN- 110032

8:THE POLLUTION CONTROL BOARD ASSAM

REPRESENTED BY CHAIRMAN
MILANPUR WEST JYOTINAGAR
BAMUNIMAIDAM GUWAHATI ASSAM PIN- 781004

9:HOUSING AND URBAN AFFAIRS DEPARTMENT

REPRESENTED BY THE CHIEF ENGINEER (TECHNICAL)
RAJGARH MAIN ROAD GUWAHATI- 781003

10:THE CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM
DISPUR GUWAHATI PIN- 78100

Linked Case : PIL/50/2016

1.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 13 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 BAMUNIMADAM GHY-21

7:THE DY. COMMISSIONERDIBRUGARH 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

11:THE UNION OF INDIA
REPRESENTED BY THE SECRETARY
MINISTRY OF ENVIRONMENT AND CLIMATE CHANGE
JOR BAGH ROAD LODI COLONY NEW DELHI PIN-110003.

12:CENTRAL POLLUTION CONTROL BOARD
REPRESENTED BY CHAIRMAN
PARIVESH BHAWAN EAST ARJUN NAGAR
DELHI PIN-110032.

13:THE POLLUTION CONTROL BOARD ASSAM
REPRESENTED BY CHAIRMAN
MILANPUR WEST JYOTINAGAR BAMUNIMAIDAM
GUWAHATI ASSAM PIN-781004.

14:HOUSING AND URBAN AFFAIRS DEPARTMENT
REPRESENTED BY THE CHIEF ENGINEER (TECHNICAL)
RAJGARH MAIN ROAD GUWAHATI-781003.

Linked Case : I.A./1340/2015

SANTI LAL ACHARJEE

VERSUS

THE STATE OF ASSAM AND ORS

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

1.THE STATE OF ASSAM AND 12 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.

9:THE SECRETARY
MINISTRY OF ENVIRONMENT AND CLIMATE CHANGE
JOR BAGH ROAD LODI COLONY NEW DELH PIN-110003.

10:THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
ASSAM SECRETARIAT DISPUR GUWAHATI-781006.

11:CENTRAL POLLUTION CONTROL BOARD
REPRESENTED BY CHAIRMAN
PARIVESH BHAWAN EAST ARJUN NAGAR
DELHI PIN-110032.

12:THE POLLUTION CONTROL BOARD ASSAM
REPRESENTED BY CHAIRMAN
MILANPUR WEST JYOTINAGAR
BAMUNIMAIDAM GUWAHATI ASSAM PIN-781004.

13:HOUSING AND URBAN AFFAIRS DEPARTMENT
REPRESENTED BY THE CHIEF ENGINEER (TECHNICAL)
RAJGARH MAIN ROAD GUWAHATI-781003.

For the Petitioner(s) : Mr. N.K. Sarma, Advocate on behalf of Mr. H.K. Das,
Amicus Curiae in PIL No.38/2022.

For the Respondent(s) : Mr. R.K.D. Choudhury, Deputy Solicitor General of
India.

: Mr. T.J. Mahanta, Senior Advocate assisted by Ms. P.
Sarma, Advocate and Mr. A. Barua, Advocate.

: Mr. D. Nath, Senior Government Advocate, Assam.

: Ms. R.B. Bora, Government Advocate, Assam.

: Mr. S.P. Khaund, Advocate.

: Mr. P. Saikia, Standing Counsel, Water Resource
Department.

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR

HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

31.10.2025

(Ashutosh Kumar, CJ)

For the absence of Mr. H.K. Das, learned *Amicus*, these cases are
adjourned to 14.11.2025.

JUDGE

CHIEF JUSTICE

Comparing Assistant