

GAHC030005642024



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

Case No. : PIL/5/2024

Smt. Vanramchhuangi
R/o Chaltlang Dawrkawn,
Aizawl, Mizoram.

VERSUS

The Chief Secretary, Govt. of Mizoram and 13 Ors.
Aizawl, Mizoram

2:The Secretary
Finance Dept.
Govt. of Mizoram
Aizawl
Mizoram.

3:The Secretary
Planning Dept.
Govt. of Mizoram
Aizawl
Mizoram

4:The Secretary
Public Works Dept.
Govt. of Mizoram
Aizawl
Mizoram.

5:The Engineer in Chief
Public Works Dept.
Govt. of Mizoram
Aizawl
Mizoram.

6:The Principal Secretary

Environment
Forests and Climate Change Dept.
Govt. of Mizoram
Aizawl
Mizoram.

7:The Divisional Forest Officer
Aizawl Forest Division
Govt. of Mizoram
Aizawl
Mizoram.

8:National Bank of Agriculture and Rural Development r/b the Chairman
NABARD
India
Office at- Plot C-24
G Block
Bandra Kula complex
BKC Road
Bandra East
Bombay
Maharashtra.

9:Chief General Manager
National Bank of Agriculture and Rural Development
NABARD Regional Office
Mizoram
MINECO.

10:Sh. F. Lalliansanga
R/o Aizawl Venglai
Aizawl
Mizoram

11:Sh. P.C. Lalawmpuia
S/o Sh. Biakliana
R/o Mission Veng
Aizawl
Mizoram

12:Sh. Vanlalsanga
R/o Mission Veng
Aizawl
Mizoram.

13:Sh. Zoramchhana
R/o Electric Veng
Aizawl

Mizoram.

14:Sh. L. Nghakliana
R/o Chanmari West
Aizawl
Mizora

Advocate for the Petitioner : Mr. Joseph Lalchhanhima Renthlei

Advocate for the Respondent : Addl. AG/GA, Mizoram for R1-7

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI
ORDER**

Date : 03.09.2024

(Michael Zothankhuma, J)

Heard Mr. Joseph L. Renthlei, learned counsel appearing for the petitioner, who submits that for the project, i.e. the (i) construction of MDR road from Sirvakawn-11 Kmp to Selesih - 28 Kmp (Phase II of 28 Km Dilsei-Selesih by-pass road on NH-54) and (ii) construction of village road for connecting village Mualhang with Dilsei-Selesih by-pass road at 8 Kmp, the respondent Nos. 10 to 14, who are working under the supervision of the PWD, Government of Mizoram have destroyed over 22, 169 trees and approximately 19 streams. He submits that in the reply made by the PWD to the RTI application made by one Mr. Sangliana, the contract work under the above two projects, have been given without making any environmental impact assessment and without obtaining any forest clearance. Further, though the road that is to be constructed is going to be a new road, the respondents have not identified any area for proper disposal of the waste soil.

2. The counsel for the petitioner also submits that in reply to the RTI

application made by one Mr. Jonathan Lalnunpuia, the office of the Divisional Forest Officer, Aizawl, in his letter dated 26.03.2024, has stated that 22, 169 trees and 19 streams have been destroyed. Further, though the EF & CC, Aizawl Forest Division had given a stay order to the Executive Engineer, PWD National Highway Division-III, Thingdawl, the stay orders dated 27.06.2023 and 31.07.2023 have not been complied with by the concerned Executive Engineer, inasmuch as, it was the duty of the Executive Engineer to ensure that the contract work was stopped by the private contractors. It has also been stated that despite a notice having been given to the Engineer-in-Chief, PWD with regard to the destruction of the environment due to the construction of the road, no reply has been made by the E & C, PWD.

3. On hearing the submissions made by the learned counsel for the petitioner and on perusing the RTI replies given by the PWD and Forest Department, we are of the view that the matter has to be taken seriously, inasmuch as, there seems to be a complete go by having been given to the requirement of obtaining environmental clearance from the competent authority. *Prima Facie* the actions of the private respondents and the PWD seem to be in violation of the environmental laws. However, to enable the respondents to make a reply to the allegations made in the PIL, we are of the view that notice be first issued to them, prior to taking a decision as to whether there should be a stay on the contract works pertaining to the above two projects.

4. Accordingly, issue notice to the respondents returnable in a week.

5. Ms. Lalnunhlui, learned Government Advocate accepts notice on behalf of the respondent Nos. 1 to 7. Petitioner to take steps for service of notice upon

the respondent Nos. 8 to 14 by registered post with A/D by tomorrow.

6. In addition to the above, the petitioner shall also serve notice upon the respondent Nos. 9 to 14 by way of *dasti service* within 2 days. He shall also file an affidavit of service thereafter.

List the matter on **11.09.2024.**

JUDGE

JUDGE

Comparing Assistant