

GAHC010012442023



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

Case No. : PIL/8/2023

BIMAL MAHATO
S/O- SRI SURESH MAHATO, R/O- VILL- GARUBANDHA (KHANGKHABARI),
P.O- ORANG, DIST- UDALGURI(BTAD), ASSAM, PIN- 784114

VERSUS

THE GOVERNMENT OF ASSAM AND 13 ORS
REP. BY ITS CHIEF SECRETARY, GOVT OF ASSAM, DISPUR, GHY- 06

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT OF ASSAM
PUBLIC ADMN
DISPUR
GHY- 781006

3:THE ADDITIONAL SECRETARY
GOVT OF ASSAM
ADMN DEPTT
DISPUR
GHY- 06

4:THE DEPUTY COMMISSIONER
UDALGURI DIST
UDALGURI
ASSAM

5:THE CIRCLE OFFICER
MAZBAT REVENUE CIRCLE
MAZBAT
DIST- UDALGURI
ASSAM

6:KESHAB BARUAH
S/O- SARAT BARUAH
ORANG
DIST- UDALGURI
ASSAM

7:PRADUSH BARUAH
S/O- KESHAB BARUAH
ORANG, DIST- UDALGURI
ASSAM

8:SHIV DAYAL SINGH
S/O- RAM SINGH
GARUBANDHA
ORANG
DIST- UDALGURI
ASSAM

9:SUSHILKUMAR JAIN
S/O- GANAPAT JAIN
GARUBANDHA
ORANG, DIST- UDALGURI
ASSAM

10:GOPAL SINGH
S/- RAM AVTAR SINGH
GARUBANDHA
ORANG
DIST- UDALGURI
ASSAM

11:PAWAN SINGH
S/O- SHIVDAYAL SINGH
GAUBANDHA
ORANG, DIST- UDALGURI
ASSAM

12:PRABHU AGARWALLA
S/O- SHYAM SUNDAR AGARWALLA
GARUBANDHA
ORANG, DIST- UDALGURI
ASSAM

13:SUBAL NARZARY
S/O- SRI HAREN NARZARY
GARUBANDHA
ORANG, DIST- UDALGURI
ASSAM

14:ALINDRA MUSHAHARY
S/O- BALORAM MUSHAHARY
GARUBANDHA
ORANG, DIST- UDALGURI
ASSAM

Advocate for the Petitioner : MR. A SARMA
Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 22-02-2023

The instant writ petition in the nature of PIL has been filed by the petitioner herein with the following prayers:

“In the premises aforesaid, it is therefore, prayed that Your Lordships may graciously be pleased to issue Rule calling upon the respondents to show cause as to why a writ of/ or in the nature of mandamus/certiorari shall not be issued directing the respondent authorities not to allow the running of Stone Crusher Industry as well as Brick Kiln industry and to initiate an enquiry as to whether those industries have been set up in compliance of prescribed guidelines of the concerned authorities and/or cause or causes being shown and upon hearing the parties may be pleased to make the Rule absolute granting complete relief to the petitioner and/or may be pleased to pass such other order or orders as Your Lordships may deem fit and proper.

-AND-

Pending disposal of the rule Your Lordships may kindly be pleased to stay the operation of those stone crusher as well as brick kiln industry and/or be pleased to pass such further order or order so as to give effective interim relief to the

petitioner.”

It is submitted by the learned counsel for the petitioner that before approaching the Court, the petitioner had submitted a detailed representation before the Deputy Commissioner, Udalguri District, Udalguri (Annexure-1) ventilating his grievances, whereupon the Deputy Commissioner, Udalguri, had directed the Circle Officer, Mazbat Revenue Circle, to make an enquiry into the matter and submit a report thereon. However, according to the petitioner, despite such direction given by the Deputy Commissioner, Udalguri, requisite enquiry has not been made.

In view of the submissions noted above, we hereby direct the Deputy Commissioner, Udalguri District, Udalguri, to objectively consider the above-mentioned representation submitted by the petitioner and to cause an enquiry into the grievance raised therein and decide the representation by passing a speaking order/to take appropriate steps in this regard, if required, as per law.

Requisite exercise in this regard shall be completed within three weeks from today. In case the petitioner is aggrieved by the order to be passed by the Deputy Commissioner, Udalguri, as directed above, the petitioner shall be at liberty to approach this Court by way of a fresh writ petition.

The PIL stands disposed of in terms of the above observations and directions.

JUDGE

CHIEF JUSTICE

Comparing Assistant