

GAHC010016112023



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

Case No. : PIL/11/2023

RAKESH CHAKRAVORTY
S/O- SRI PRADIP CHAKRABORTY, R/O- VILL- DALGOMA, P.O- DALGOMA,
P.S- MATIA, DIST- GOALPARA, ASSAM, PIN- 783125

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REP. BY THE CHIEF SECRETARY, GOVT OF ASSAM, ASSAM SECRETARIAT,
DISPUR, GHY, ASSAM, PIN- 781006

2:ENVIRONMENT AND FOREST DEPTT
GOVT OF ASSAM
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
ENVIRONMENT AND FOREST DEPTT
JANATA BHAWAN
DISPUR
GUWAHATI
ASSAM
PIN- 781006

3:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HEAD OF
FOREST FORCE

ARANYA BHAWAN
PANJABARI
GUWAH

4:DIVISIONAL FOREST OFFICER
GOALPARA DIVISION
GOALPARA
ASSAM

5:STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY
ASSAM

REP. BY ITS MEMBER SECRETARY
BAMUNIMAIDAM
GUWAHATI
ASSAM
PIN- 781021

6:MINES AND MINERALS DEPTT
GOVT OF ASSAM
REP. BY THE SECRETARY TO THE GOVT OF ASSAM
MINES AND MINERALS DEPTT
ASSAM SECRETARIAT
DISPUR
ASSAM
PIN- 781006

7:THE MIN OF ENVIRONMENT FOREST AND CLIMATE CHANGE
REP. BY THE SECRETARY MIN OF ENVIRONMENT AND FOREST AND
CLIMATE CHANGE
INDIRA PARYAVARAN BHAWAN
JORBAGH ROAD
NEW DELHI- 11000

Advocate for the Petitioner : MR S BORTHAKUR

Advocate for the Respondent : SC, FOREST

BEFORE
HON'BLE THE CHIEF JUSTICE (ACTING) MR. N. KOTISWAR SINGH
HON'BLE MR. JUSTICE SOUMITRA SAIKIA

:: O R D E R ::

08.02.2023

[N. Kotiswar Singh, CJ(Acting)]

Heard Mr. S. Dey, learned counsel for the petitioner. Also heard Mr. P.N. Goswami, learned Additional Advocate General, Assam assisted by Mr. D. Gogoi and Mr. R.Kalita, learned Standing Counsel, Forest Department.

2. The present PIL has been filed seeking the following relief(s).

- “(i) Issue a writ in the nature of mandamus directing the Respondent authorities to conduct appropriate enquiry into the issues raised by the petitioner in the present petition and to if found to be true, to initiate appropriate legal action against all perpetrators;
- (ii) Issue a writ in the nature of mandamus directing the respondents to issue sand mining concessions in Goalpara district only after undertaking proper competitive bidding measures and to cancel all mining concessions operating today which were issued without undertaking any competitive bidding;
- (iii) Issue a writ in the nature of the mandamus directing the Respondents to stop all illegal and irregular sand mining activities being carried out in Goalpara district;
- (iv) Issue a writ in the mandamus to the Respondents to refrain from imposing erratic and arbitrary penalties for illegal transportation of sand;
- (v) Issue a writ in the nature of mandamus directing the Respondents to stop any unlawful cutting of trees in the forest areas of Goalpara and to take appropriate legal action against the perpetrators; and
- (vi) Pass any other such writ(s)/order(s)/direction(s) as this Hon’ble court may deem fit and proper.”

3. The aforesaid relief(s) are sought to be substantiated by various averments made in the PIL.

4. From the above, it appears that the petitioner is aggrieved by non-resorting to competitive bidding while granting mining permits to individuals. There are also allegation of illegal and irregular activities in said mining carried out in Goalpara District and unlawful felling of trees in forest areas of Goalpara.

5. As regards the grievance(s) relating to non-resorting to competitive bidding by the authorities, we are of the view that this issue cannot be considered in this PIL, as there are other appropriate fora to deal with such matter.

6. Coming to the other allegations of illegal and irregular sand mining and illegal felling of trees in the forests of Goalpara, we are of the view that if any such activities are carried out, the authorities must immediately put these to an end.

However, from the pleadings, we do not find sufficient materials to invoke our extra

ordinary jurisdiction of PIL to examine the said issue.

7. However, deem it appropriate to give liberty to the petitioner to approach the authorities highlighting illegal activities, if any, of illegal/irregular sand mining being carried out in Goalpara district as well as illegal felling of trees in the forest areas of Goalpara district.

8. We hope and trust that whenever such a representation is submitted by the petitioner, the authorities will look into it so that no such illegal activities of sand mining and felling of trees are carried out, as submitted.

9. With the above observation and direction, the present PIL stands disposed of.

JUDGE

CHIEF JUSTICE (ACTING)

Comparing Assistant