

GAHC010021482023



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

Case No. : PIL/15/2023

SUKLEWAR RAY AND 3 ORS
S/O LATE KANAK CHANDRA RAY, R/O VILL NO 1 SUPARIGURI, P.O.-
FAGUNAGAON, P.S.-BIJNI, DIST-CHIRANG, ASSAM, PIN-783390

2: RANJIT KUMAR SUTRADHAR
S/O LATE NARAYAN CHANDRA SUTRADHAR
R/O VILL NO 1 SUPARIGURI
P.O.-FAGUNAGAON
P.S.-BIJNI
DIST-CHIRANG
ASSAM
PIN-783390

3: RUSTAM ALI
S/O KALU SHEIKH
R/O VILL NO 2 SUPARIGURI
P.O.-FAGUNAGAON
P.S.-BIJNI
DIST-CHIRANG
ASSAM
PIN-783390

4: RAJEN CHANDRA BARMAN
S/O LATE DINESH BARMAN
R/O VILL NO 1 SUPARIGURI
P.O.-FAGUNAGAON
P.S.-BIJNI
DIST-CHIRANG
ASSAM
PIN-78339

VERSUS

THE STATE OF ASSAM AND 4 ORS

REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT

2:THE DIVISIONAL FOREST OFFICER
KAJALGAON
CHIRANG
DIST-CHIRANG
ASSAM
PIN-783390

3:THE DEPUTY COMMISSIONER
CHIRANG
KAJALGAON
DIST-CHIRANG
ASSAM
PIN-783390

4:THE CIRCLE OFFICER
BIJNI REVENUE CIRCLE
BIJNI
DIST-CHIRANG
ASSAM
PIN-783390

5:THE SUB DIVISIONAL OFFICER
BIJNI SUB DIVISION
BIJNI
DIST-CHIRANG
ASSAM
PIN-78339

Advocate for the Petitioner : MR B P BORAH

Advocate for the Respondent : SC, P AND R.D.

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 16.02.2023
(S. Saikia, J)

Heard Ms. G. Goswami, learned counsel for the PIL petitioners. Also heard Mr. K.

Konwar, learned Additional Advocate General, Assam, and Mr. I. Kalita, learned Standing Counsel, Forest Department, Assam.

The petitioners are residents of Chirang District in the State of Assam and they have agitated their grievance before this Court in respect of a pond being dug up under the scheme "Amrit Sorovar", initiated by the Government of India. According to the petitioners, the site which was originally selected for the pond was abandoned and the site that was chosen subsequently is close to a river flowing nearby.

Learned counsel for the petitioners has submitted that this change of site and choosing a site for digging up the pond besides a river is not only unfeasible but also is contrary to the guidelines which are issued under "Mission Amrit Sorovor". According to the petitioners, the present site chosen by the respondent authority for digging up the pond is close to Pakhajani River at No. 1 Supariguri village in the district of Chirang and there is a serious apprehension that during the Monsoon season the Pakhajani River will overflow and the flood water will break through the barrier of the pond and the very purpose of digging up the pond under the said scheme will be frustrated.

Learned counsel for the petitioners has referred to the photographs, which are annexed to petition, to project that the original site, where the foundation stone was laid down for the pond is not the site where the pond is presently proposed to be dug up. It is also pointed out by the learned counsel for the petitioners that the original site selected for the pond is away from the Pakhajani River. Learned counsel for the petitioners has also referred to the guidelines on "Mission Amrit Sorovor", which provide that for implementation of the Amrit Sorovor scheme, including selection of site, technologies like remote sensing and geospatial etc. to be used in order to optimize the benefit of the scheme.

Learned counsel for the petitioners has expressed apprehensions that in view of the Monsoon setting in shortly in the State of Assam, unless urgent steps are taken to

secure the interest of the petitioners, the entire efforts and the very purpose of digging up the pond under the Amrit Sorovor Mission will be frustrated.

We find that a representation dated 02.01.2023 was submitted by the petitioners before the Deputy Commissioner, Chirang, ventilating the grievance raised by way of this PIL petition. According to the petitioner, no step has yet been taken by the authorities for redressal of the grievance ventilated in the aforesaid representation.

Having heard the learned counsel for the parties, this Court is of the view that the present PIL petition can be disposed of with the direction to the Deputy Commissioner, Chirang, to look into the grievance of the petitioners ventilated in the aforesaid representation dated 02.01.2023 and to pass appropriate speaking orders after making due verification. Any such orders shall be passed after affording due opportunity of hearing to the petitioners and such orders shall be communicated to the petitioners.

The instant PIL petition is disposed of in terms of the above. While disposing of the petition, we request the learned counsel for the petitioners to enclose similar colour photographs in all the copies of the petition presented before this Court, including the copies which are served upon the respondents.

Let this order be brought to the notice of the Registrar(J) for future reference/compliance.

JUDGE

CHIEF JUSTICE

Comparing Assistant