

GAHC010043042023



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

Case No. : I.A.(Civil)/573/2023

ANANDA SAIKIA AND 4 ORS.
R/O. RAIDONGIA NA-KACHARI GAO, P.O. TEOKGHAT, SONARI, DIST.
CHARAIDEO, PIN-785690, ASSAM

2: PRANJIT SAIKIA
S/O. SRI ANANDA SAIKIA
R/O. 160 B
ASHB COMPLEX
NILACHAL HOUSING SOCIETY
BHETAPARA
GHY.
DIST. KAMRUP (M)
ASSAM

3: BIJIT BORA
S/O SRI LALIT BORA
R/O. RAIDONGIA NA-KACHARI GAON
P.O. TEOKGHAT
SONARI
DIST. CHARAIDEO
ASSAM
PIN-785690

4: SUJIT DAS
S/O NOLIN DAS
R/O. RAIDONGIA NA-KACHARI GAON
P.O. TEOKGHAT
SONARI
DIST. CHARAIDEO
ASSAM
PIN-785690

5: ASHWINI DAS
S/O NIPEN DAS

R/O. RAIDONGIA NA-KACHARI GAON
P.O. TEOKGHAT
SONARI
DIST. CHARAIDEO
ASSAM
PIN-78569

VERSUS

NOREN SAIKIA AND 9 ORS.
S/O. LT. MONIRAM SAIKIA, PROPRIETOR OF M/S BHOGALI TEA FACTORY,
RAIDONGIA NAKACHARI GAON, P.O. TEOKGHAT, P.S. SONARI, DIST.
CHARAIDEO, ASSAM, PIN-785690.

2:TILOK SAIKIA
S/O. LT. MONIRAM SAIKIA
PROPRIETOR OF M/S BHOGALI TEA FACTORY
RAIDONGIA NAKACHARI GAON
P.O. TEOKGHAT
P.S. SONARI
DIST. CHARAIDEO
ASSAM
PIN-785690.

3:HEMALATA SAIKIA
W/O. SRI NOREN SAIKIA
PROPRIETOR OF M/S BHOGALI TEA FACTORY
RAIDONGIA NAKACHARI GAON
P.O. TEOKGHAT
P.S. SONARI
DIST. CHARAIDEO
ASSAM
PIN-785690.

4:THE STATE OF ASSAM
REP. HEREIN BY THE ADDL. CHIEF SECRETARY TO THE GOVT. OF ASSAM
INDUSTRIES AND COMMERCE DEPTT.
DISPUR
GHY-6.

5:THE DY. COMMISSIONER
CHARAIDEO
SONARI.

6:THE ADDL. DY. COMMISSIONER
CHARAIDEO
SONARI CUM CIRCLE OFFICER
SONARI REVENUE CIRCLE.

7:THE CHIEF INSPECTOR OF FACTORIES

GOVT. OF ASSAM
BETKUCHI
LOKHRA
GUWAHATI

8:THE MEMBER SECRETARY POLLUTION CONTROL BOARD
ASSAM
BAMUNIMADAM
GUWAHATI

9:THE EXECUTIVE DIRECTOR
TEA BOARD
INDIA
NORTH EASTERN ZONAL OFFICE
HOUSE-FED COMPLEX
CENTRAL BLOCK
DISPUR
GHY.

10:THE PRESIDENT
RAJAPUKHURI GAON PANCHAYAT
P.O. TEOKGHAT
DIST. CHARAIDEO
ASSAM

Advocate for the Petitioner : MR S BORTHAKUR

Advocate for the Respondent : MR J C GOGOI

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 05-04-2023

Heard Mr. D. Gogoi, learned counsel for the applicants; Mr. B. Islam, learned counsel representing opposite party nos. 1 to 3; Ms. M. Barman, learned Junior Government Advocate, Assam for the opposite party nos. 5, 6 & 7; and Mr. S. Baruah, learned Standing Counsel, PCB for the opposite party no. 8.

2. The applicants have been impleaded as the party respondent nos. 8 to 12 in the

connected writ petition, W.P.[C] no. 3635/2018. The writ petition has been preferred by the opposite party nos. 1 to 3 as the writ petitioners, to challenge an order dated 02.04.2018 passed by the opposite party no. 5 i.e. the Deputy Commissioner, Charaideu whereby the construction of a tea factory undertaken by the opposite party nos. 1 to 3 – the writ petitioners have been stopped. In the writ petition, an interim order passed on 23.01.2019 whereby the impugned order dated 02.04.2018 had been stayed until further orders.

3. The applicants have projected that the tea factory has been established in a plot of land classified as agricultural land, by converting the same into industrial land without following due procedure. Because of the operation of the interim order, the tea factory is running at present and as a result, the nearby residents including the applicants, have been adversely affected due to running of the tea industry, which according to the applicants, is polluting the environment.

4. This interlocutory application has been preferred by the applicants seeking early hearing of the writ petition, W.P.[C] no. 3635/2018.

5. Rule has been issued in the writ petition on 23.01.2019. The learned counsel for the parties have submitted that since rule has been issued in the writ petition, the writ petition may be heard since exchange of pleading is complete.

6. Having considered the issues involving in the writ petition, W.P.[C] no. 3635/2018, the instant interlocutory application seeking early hearing in the writ petition is allowed.

7. The office to list the writ petition, W.P.[C] no. 3635/2018 for hearing in the 4th week of May, 2023 on a date to be fixed by the office.

JUDGE

Comparing Assistant