

GAHC010049292023



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

Case No. : PIL/27/2023

ANCHALIK KRISHAK SURAKSHA SAMITY AND 3 ORS
TEZPUR, SONITPUR, ASSAM,
P.O- DIPOTA, DIST- SONITPUR, ASSAM, PIN-784150.

REP BY ITS PRESIDENT, JOY CHANDRA BORAH,
AGE -65YRS,
S/O- LATE BETHARAM BORAH,
R/O- VILLAGE MILANPUR KOMARI CHUBURI,
P.O- DIPOTA, DIST- SONITPUR, ASSAM, PIN-784150

2: KAMAL BORAH
S/O- LATE BHALA RAM BORAH
R/O- VILLAGE PAKHIAJHAR
P.O- BINDUKURI DIST- SONITPUR
ASSAM PIN-784502

3: GOLAP BARUAH
S/O- LATE MALANGA BARUAH
R/O- VILLAGE MILANPUR
DEKACHUBURI
P.O- DIPOTA, DIST- SONITPUR
ASSAM PIN-784150.

4: SURJYA BARUAH
S/O- LATE BHUBAN BARUAH
R/O- VILLAGE MILANPUR
DEKACHUBURI
P.O- DIPOTA, DIST- SONITPUR
ASSAM PIN-784150

VERSUS

1.THE STATE OF ASSAM
REP BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT,
DISPUR, GUWAHATI- 781006.

2:THE COMMISSIONER
TO THE GOVERNMENT OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
ASSAM
JURIPAR PANJABARI GUWAHATI

3:THE DEPUTY COMMISSIONER
SONITPUR
TEZPUR
ASSAM
PIN-784001

4:THE DIVISIONAL FOREST OFFICER
TEZPUR DIVISION
TEZPUR

DIST- SONITPUR
ASSAM
PIN-784001

5:THE CHIEF EXECUTIVE OFFICER
SONITPUR ZILLA PARISHAD
TEZPUR
DIST- SONITPUR ASSAM
PIN-784001

6:THE CIRCLE OFFICER
TEZPUR REVENUE CIRCLE
TEZPUR
DIST- SONITPUR
ASSAM
PIN-784001

7:THE BLOCK DEVELOPMENT OFFICER
BALIPARA DEVELOPMENT BLOCK
VILLAGE AND P.O- GHORAMARI
DIST- SONITPUR
ASSAM
PIN-78410

For the Petitioner(s) : Mr. S.C. Biswas, Advocate.

For the Respondent(s) : Mr. K. Konwar,
Mr. P. Sharma, Advocate
for respondent Nos.1, 2, 5 & 7.
Mr. S. Konwar, Jr. Govt.
Advocate for respondent Nos.3 & 6.

BEFORE
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE KARDAK ETE

17.03.2023

Heard the learned counsel for the parties.

The petitioners are residents of Sonitpur District in the State of Assam and they have agitated their grievance before this Court in respect of 3 (three) numbers of "Amrit Sarovar" at Cheptiani, under Tezpur Revenue Circle, Balipara Development Block, District Sonitpur and have prayed to direct the respondent authorities to shift and construct the "Amrit Sarovar" to a convenient place towards the northern side of Chepetiani without blocking the elephant corridor and waterways of tributaries in strict compliance of the guidelines of Mission Amrit Sarovar initiated by the Government of India.

It has been submitted at the Bar that similarly situated persons of Chirang District have approached this Court by filing writ petition, PIL No.15/2023 which was disposed of vide order dated 16.02.2023 by directing to the Deputy Commissioner, Chirang to look into the grievance of the petitioners ventilated in the representation dated 02.01.2023 and to pass appropriate speaking orders

after making due verification. It was also directed that such orders shall be passed after affording due opportunity of hearing to the petitioners and such orders shall be communicated to the petitioners therein.

Learned counsel for the petitioners have sought for similar directions in this petition also.

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, Sonitpur, to objectively consider the grievance of the petitioners ventilated in the representations dated 06.02.2023, 19.01.2023 and 28.01.2023 and to pass appropriate speaking orders after making due verification within a period of one month from today. Any such orders shall be passed after affording due opportunity of hearing to the petitioners and such orders shall be communicated to the petitioners.

Accordingly, 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 copies of the colour photographs, which have been enclosed in this PIL, in all the copies of the petition presented before this Court as well as 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