

GAHC010069182023



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

Case No. : WP(C)/1794/2023

LAL BAHADUR CHOUHAN
S/O- SHRI SEW KARAN CHOUHAN,
R/O- DIPHU TOWN,
P.O. AND P.S.- DIPHU,
DIST- KARBI ANGLONG, ASSAM.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
DEPTT. OF FOREST, DISPUR,
GUWAHATI- 6.

2:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST
ASSAM
BATAHGULI
PANJABARI ROAD

GUWAHATI
ASSAM
PIN- 781037.

3:THE ASSTT. CONSERVATOR OF FOREST
I/C CENTRAL RANGE
MANJA

PIN- 782461.

4:THE DIVISIONAL FOREST OFFICER
KABI ANGLONG EAST DIVISION
DIPHU

PIN- 782460.

5:THE BEAT OFFICER
LONGNIT ACCOUNT BEAT
CENTRAL RANGE
MANJA

KAE
PIN- 782461.

6:THE CHAIRMAN
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY
ASSAM
BAMUNI MAIDAM
GHY- 21.

7:DEWRI TERANG
S/O- LONGRI TERANG @ TERANG ARONG

R/O- LONGNIT SILONI

P.O.- LONGNIT
PIN- 782461

DIST.- KARBI ANGLONG

Advocate for the Petitioner : MR. A R SIKDAR

Advocate for the Respondent : SC, FOREST

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 31-03-2023

1. Heard Mr. AR Sikdar, learned counsel for the petitioner. Also heard Mr. J Chutia, learned counsel for the KAAC/respondent Nos. 3, 4 and 5 as well as Mr. RR Gogoi, learned counsel for the respondent Nos. 1 and 2.
2. Mr. AR Sikdar, learned counsel for the petitioner submits that the petitioner was allowed to operate the Mining Contract for collection of stone

from Hawailangso stone quarry, vide letter dated 02.04.2016, issued by the respondent No. 4 for a period of 7 (seven) years. He submits that due to the respondent No. 7 occupying a portion of the Hawailangso stone quarry allotted to the petitioner, which resulted in a dispute, the petitioner was made to stop the operation of the stone quarry w.e.f. 24.06.2020 till 08.03.2021. Further, in view of the COVID-19 lockdown, the petitioner could not extract the expected quantities of stone per year, despite payment of full royalty. He submits that in view of the petitioner losing out on a few years, in not being able to operate the stone quarry, the petitioner submitted representations to the respondents, to grant him an extension period for operating the stone quarry. The same has however not been considered by the respondent authorities till date.

3. The petitioner's counsel submits that the petitioner has submitted various representations to the Forest Department, the last representation being 03.02.2023, for granting him extension to operate the stone quarry. He submits that the writ petition can be disposed of, if a direction is issued to the respondent No. 4, to dispose of the petitioner's representation dated 09.12.2022 for granting him an extension for operating the stone quarry.

4. Mr. J Chutia, learned counsel for the respondent Nos. 3, 4 & 5 and Mr. RR Gogoi, learned counsel for the respondent Nos. 1 and 2 submit that the grant of Mining Contract beyond 7 (seven) years cannot be given by the respondents, in the absence of any provision for extension of the Mining Contract. They however submit that they have no objection to the prayer made by the petitioner's counsel, to enable the respondents to examine the prayer of the petitioner and take a decision thereof.

5. In view of the consent of the parties, this writ petition is disposed of with a direction to the respondent No. 4, to examine the petitioner's representation

dated 09.12.2022 (Annexure-12) and take a decision on the same, within a period of 2 (two) weeks from the date of receipt of a certified copy of this order, which shall be accompanied with a copy of this writ petition. The decision taken shall thereafter be communicated to the petitioner. However, till a decision is taken by the respondent No. 4, the stone quarry which had been allotted to the petitioner, should not be allotted to any other person.

6. The writ petition stands disposed of accordingly.

JUDGE

Comparing Assistant