

GAHC010072082023



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

Case No. : WP(C)/1938/2023

M/S N PLUS R BRICK KILN INDUSTRY AND ANR
REPRESENTED BY ITS MANAGING PARTNER, VILLAGE RAIDONGIA,
BAGARIGUR,
P/O- AIBHETI, MOUZA- HATICHUNG,
P/S- JAJORI, DIST.- NAGAON, ASSAM
HAVING ITS PRINCIPLE PLACE OF BUSINESS AT DHING ROAD,
RAIDONGIA, BAGARIGURI PATHAR,
DIST.- NAGAON, ASSAM.

2: NASIR UDDIN @ MD. NASIR UDDIN
S/O- ALI HUSSAIN

MANAGING PARTNER OF M/S N PLUS R BRICK KILN INDUSTRY

R/O- VILLAGE- NORAMARI

P/O- SHILLONGANI

MOUZA- KACHAMARI

P/S- SADAR

DIST.- NAGAON
ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
REVENUE DEPARTMENT,
DISPUR, GUWAHATI- 781006.

2:THE DEPUTY COMMISSIONER

NAGAON
DIST- NAGAON
ASSAM

PIN- 782001.

3:THE CIRCLE OFFICER
NAGAON SADAR REVENUE CIRCLE
NAGAON
DIST.- NAGAON
ASSAM.
PIN- 782001

Advocate for the Petitioner : MR. J AHMED

Advocate for the Respondent : SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

04.04.2023

Heard Mr. J. Ahmed, learned counsel for the petitioners, who submits that the petitioners had established a brick-kiln in the name and style of M/s N+R Brick Kiln Industry in Village Raigondia Bagariguri Pathar under Jajori Police Station in Nagaon District. They also obtained No Objection Certificates from various authorities to establish the brick-kiln.

2. The petitioners' counsel submits that there is no inhabitant within 3 km of the brick-kiln and neither is there any religious place of worship, schools and other public institutions within an area of 2.5 km. to 3 km from the brick-kiln.

3. The petitioners' counsel submits that due to some complaints made by

some persons, the Office of the Deputy Commissioner (Revenue Branch), Nagaon, vide letter No.NRP.18/2015/395 dated 16.11.2022 directed the Circle Officer, Nagaon Sadar Revenue Circle, to conduct a public hearing with regard to M/s N+R Brick Kiln.

4. The petitioners' counsel submits that till date, the petitioners have not been informed with regard to the decision taken by the office of the Deputy Commissioner (Revenue Branch), Nagaon, in respect of the public hearing that had taken place on 01.12.2022, in pursuant to the letter dated 16.11.2022 issued by the Office of the Deputy Commissioner (Revenue Branch), Nagaon. He submits that this writ petition can be disposed off, if a direction is issued to the Office of the Deputy Commissioner (Revenue Branch), Nagaon to take a decision with respect to the public hearing that was held in relation to the setting up of M/s N+R Brick Kiln Industry by the petitioners and communicate the said decisions to the petitioners, within a period one month.

5. Mr. K. Gogoi, learned counsel appearing for the respondent nos.2 & 3 and Ms. G. Hazarika, learned counsel for the respondent no.1 submit that they do not have any objection to the prayer made by the petitioners' counsel.

6. In view of the consent of the parties, the office of the Deputy Commissioner (Revenue Branch), Nagaon shall take a decision with respect to the public hearing held on 01.12.2022 by the Circle Officer, Nagaon Sadar Revenue Circle, in relation to the setting up of M/s N+R Brick Kiln at Bagariguri under Hatichung Mouza, Village-Raidongia and communicate the said decision

to the petitioners, within a period of 1 (one) month from the date of receipt of a certified copy of this order.

7. The petitioner shall furnish a writ petition along with a certified copy of this order to the office of the Deputy Commissioner (Revenue Branch), Nagaon for compliance of this order. Further, prior to taking a decision, the office of the Deputy Commissioner (Revenue Branch), Nagaon shall give an opportunity of hearing the petitioner, if the petitioner has not been heard in the public hearing. However, if a decision has already been taken as on today, the said decision is to be communicated to the petitioner.

8. The writ petition is accordingly disposed off.

JUDGE

Comparing Assistant