

GAHC010086592021



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

Case No. : WP(C)/2978/2021

BISHNU DAULAGUPU AND 7 ORS.
S/O LATE RINGBANG DAULAGUPU
RESIDENT OF NOBDI DAULAGUPU, DIMA HASAO. ASSAM, 788832

2: TANGMON WAIDING
S/O MOLENDRA WAIDING
RESIDENT OF NOBDI DAULAGUPU
DIMA HASAO. ASSAM
788832

3: CINTHA JOHORI
S/O DIBENDRA JOHORI
RESIDENT OF NOBDI DAULAGUPU
DIMA HASAO. ASSAM
788832

4: BOTHAM HOJAI
S/O DOUBEGA HOJAI

RESIDENT OF NOBDI DAULAGUPU
DIMA HASAO. ASSAM
788832

5: BOLENDRA DAULAGUPU
S/O TAMSING DAULAGUPU
RESIDENT OF NOBDI DAULAGUPU
DIMA HASAO. ASSAM
788832

6: RINGUON WAIDING
S/O MOLENDRA WAIDING
RESIDENT OF NOBDI DAULAGUPU
DIMA HASAO. ASSAM
788832

7: RAMENDRA PHONGLO
S/O RANGKON PHONGLO
RESIDENT OF NOBDI DAULAGUPU
DIMA HASAO. ASSAM
78883

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
ENVIRONMENT AND FOREST DEPARTMENT, DISPUR, GUWAHATI 06

2:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HEAD OF
FOREST FORCE
ENVIRONMENT AND FOREST DEPARTMENT
ARNYA BHAWAN
PANJABARI
GUWAHATI 781037

3:NORTH CACHAR HILLS AUTONOMOUS COUNCIL

HAFLONG
ASSAM
REPRESENTED BY THE PRINCIPAL SECRETARY (N) HAFLONG
ASSAM
788819

4:THE PRINCIPAL SECRETARY
NORTH CACHAR HILLS AUTONOMOUS COUNCIL
HAFLONG
ASSAM
788819

5:THE SECRETARY
REVENUE
NORTH CACHAR HILLS AUTONOMOUS COUNCIL
HAFLONG
ASSAM
788819

6:THE CHIEF CONSERVATOR OF FORESTS

DIMA HASAO
HAFLONG
ASSAM
788819

7:THE DIVISIONAL FOREST OFFICER

DIMA HASAO FOREST DIVISION (WEST) HAFLONG
ASSAM 78881

For the Petitioner(s) : Mr. N. J. Khataniar, Advocate

For the Respondent(s) : Mr. C. Sharma, Standing counsel

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 29.11.2023

1. The instant writ petition has been filed by the Petitioners herein challenging the decision for allotting land of Nabdi Daulagupu Village of Dima Hasao District for compensatory afforestation in connection with implementation of 120 MW Lower Kopili Hydro Electric Project at Longku as well as for setting aside and quashing the impugned letter dated 06.02.2021 issued by the Secretary, Revenue, NC Hills requesting the Chief Conservator of Forest, Dima Hasao to shift Nabdi Daulagupu patch of land measuring 86.23 Hectare for compensatory afforestation in connection with implementation of 120 MW Lower Kopili Hydro Electric Project at Longku.

2. This Court vide an order dated 01.06.2021 issued notice thereby directing that the status quo as regards the Petitioners' village for the purpose of compensatory afforestation in terms with the communication dated 01.06.2019 shall be maintained. When the matter was listed on 30.08.2023 before this Court, this Court directed both the Forest Department as well as the NC Hills Autonomous Council to file their affidavit-in-oppositions by 25.09.2023. It further reveals that pursuant to the orders passed by this Court, the Respondent

No.5 had filed their affidavit-in-opposition on 03.10.2023 wherein there was a request made to the Chief Conservator of Forest, Dima Hasao District requesting to shift the Nabdi Daolagupu patch of land measuring 86.23 Hectare for Compensatory Afforestation in connection with implementation of 120 MW Lower Kopili Hydro Electric Project at Longku to a different location which would be identified shortly in Dima Hasao District due to some unavoidable circumstances. It was also mentioned in the said communication that after identification of the plot, the land shall be allotted to the Forest Department immediately for Compensatory Afforestation. Under such circumstances, when the matter was listed before this Court on 05.10.2023, this Court taking into account that the affidavit filed by the Respondent No.5 was not clear that they would not proceed with the Compensatory Afforestation at Nabdi Daolagupu village measuring 86.23 Hectares of land thereby amending the proposal sent on 01.06.2019 directed the Respondent No.5 to clarify their stand by filing an additional affidavit. Accordingly, on 20.11.2023, an additional affidavit-in-opposition was filed by the Respondent No.5 stating at paragraph No.3 that the land measuring 86.23 Hectares situated at Nabdi Daolagupu village was earlier allotted for Compensatory Afforestation for implementation of 12 MW Lower Kopili Hydro Electric Project. The said proposal was reviewed by the Council and now Nabdi Gurubari (Jiri) would be allotted for Compensatory Afforestation in regard to the aforementioned project.

3. Mr. C. Sharma, the learned Standing counsel appearing on behalf of the NC Hills submitted that in view of the specific undertaking so given in the additional affidavit to the effect that the Petitioners' village i.e. Nabdi Daolagupu would not now be affected, the writ petition so filed by the Petitioners have become infructuous.

4. This Court having perused the materials on record and also considering the submission made by Mr. C. Sharma, the learned Standing counsel finds that now Nabdi Daolagupu which is the village of the Petitioners would not be affected as the proposal which was given on 01.06.2019 insofar as the Nabdi Daolagupu village have been modified and some other village have been allotted for Compensatory Afforestation.

5. Accordingly, the issues raised in the instant writ petition in respect to Nabdi Daolagupu village no longer survives for which the instant writ petition stands closed as it has become infructuous.

6. The interim order therefore no longer survives in view of the above observations.

JUDGE

Comparing Assistant