

GAHC010240232018



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

Case No. : WP(C)/7530/2018

PULIN GOGOI
S/O. LT. MANESWAR GOGOI, VILL. NIRMALIGAON, P.O. C.R. BUILDING,
DIST. DIBRUGARH, ASSAM-786602.

VERSUS

THE GOVT. OF ASSAM AND 3 ORS.
REP. BY THE ADDL. CHIEF SECRETARY TO THE GOVT. OF ASSAM,
ENVIRONMENT AND FORESTS DEPTT., DISPUR, GUWAHATI-06.

2:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HEAD OF
FOREST FORCE

ASSAM
GUWAHATI-06.

3:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS

UPPER ASSAM ZONE
GUWAHATI-781006.

4:THE DIVISIONAL FORESTS OFFICER

DIBRUGARH DIVISION

Advocate for the Petitioner : MR. J SARMAH

Advocate for the Respondent : SC, FOREST

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 24-02-2023

Heard Mr. J. Sarmah, learned counsel for the petitioner and Mr. R.R. Gogoi, learned Standing Counsel, Environment and Forest Department for all the respondents.

2. Pursuant to a competitive bidding process initiated for settlement of a Mining Contract Area being no. DBR/Tinsukia/20 under Dibrugarh Forest Division, the respondent no. 4 issued a final Letter of Intent [LoI] in respect of the Mining Contract Area i.e. DBR/Tinsukia/20 under Tinsukia Range of Dibrugarh Division to the petitioner as the successful bidder on 01.11.2016. According to the petitioner, he deposited all the amounts assessed, as directed by the respondent authorities. It is the case of the petitioner that he was granted settlement of the Mining Contract Area, he could not operate the same for a period of 7 [seven] months and 7 [seven] days due to lapses attributable to the respondent authorities, more particularly, the respondent no. 4. Highlighting the difficulties and problems he had faced in that connection, the petitioner stated to have submitted a number of representations before the respondent authorities in the Forest Department along with all the supporting documents in support of his such claim. As the grievances of the petitioner have not been attended to and redressed, the petitioner has approached this Court by this writ petition under Article 226 of the Constitution of India.

3. Mr. Gogoi, learned Standing Counsel, Environment and Forest Department has submitted that the period of settlement of the Mining Contract Area is already over. Be that as it may, the petitioner has a statutory remedy of appeal

under Rule 68[1] of the Assam Minor Mineral Concession Rules, 2023 and, as such, the petitioner has the option to prefer an appeal before the Principal Chief Conservation of Forests & Head of Forest Force, Assam [the respondent no. 2] in respect of his grievances, if any.

4. Mr. Sarmah, learned counsel for the petitioner has submitted that the petitioner may be granted the opportunity to prefer an appeal along with all the supporting documents in support of his claim as per the provisions contained in Rule 68[1] of the Assam Minor Mineral Concession Rules, 2023.

5. Having heard the learned counsel for the parties, this Court is of the considered view that instead of keeping this writ petition pending, the same can be disposed of by providing liberty to the petitioner to prefer an appeal under Rule 68[1] of the Assam Minor Mineral Concession Rules, 2023 within a period of 1 [one] month from today and with a direction to the respondent no. 2 to consider and dispose of the appeal by passing a speaking order within a period of 1 [one] month from the date of receipt of such appeal. It is accordingly ordered. It is further observed that this Court has not made any observations as regards the merits of the claims or counter claims of the parties and, as such, the respondent no. 2 shall consider the appeal to be preferred by the petitioner on its own merits, on the basis of the materials on record and in accordance with law.

6. This order disposes of the writ petition. No cost.

JUDGE

Comparing Assistant