

GAHC010244602023



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

Case No. : WP(C)/6649/2023

M/S DHANSHREE STONE CRUSHER INDUSTRY AND 11 ORS.
HAVING ITS REGISTERED OFFICE AT ROWTA STATION, P.O. AND P.S.
ROWTA, DISTRICT- UDALGURI (BTR), ASSAM, PIN- 78 REPRESENTED BY
ITS PROPRIETOR- SMTI. MALATI DEVI

2: SMTI. MALATI DEVI
WIFE OF SRI GOPAL SINGH
RESIDENT OF ROWTA STATION
P.O. AND P.S. ROWTA
MOUZA- BORSHILAJHAR
DISTRICT- UDALGURI (BTR)
ASSAM
PIN- 784508

3: M/S. NARZARY STONE CRUSHER AND SCREENING PLANT
HAVING ITS REGISTERED OFFICE AT VILLAGE AND P.O. JAMUGURI
PIN- 784114
DISTRICT- UDALGURI (BTR)
ASSAM
REPRESENTED BY ITS PROPRIETOR- SRI SUBAL NARZARY

4: SRI SUBAL NARZARY
SON OF SRI HAREN NARZARY
RESIDENT OF VILLAGE JAMUGURI
P.O. JAMUGURI
PIN- 784114
DISTRICT- UDALGURI (BTR)
ASSAM

5: M/S DHANSIRI STONE CRUSHER
HAVING ITS REGISTERED OFFICE AT SANTOSHA BHAVAN VILLAGE-
GARUBANDHA
P.O. AND P.S. ORANG
PIN- 784114

DISTRICT- UDALGURI (BTR)
ASSAM

6: SMTI. SANTOSHA SINGH
WIFE OF SRI GOPAL SINGH
RESIDENT OF ROWTA STATION
P.O. AND P.S. ROWTA
MOUZA- BORSHILAJHAR
DISTRICT- UDALGURI (BTR)
ASSAM
PIN- 784508

7: M/S. H.M. ENTERPRISE (SCREENING PLANT)
HAVING ITS REGISTERED OFFICE AT VILLAGE CHAMUAGAON
P.O. AND P.S. MAZBAT
DISTRICT- UDALGURI (BTR)
ASSAM
REPRESENTED BY ITS PROPRIETOR- SMTI. PHULESWARI MOCHAHARI
PIN- 784114

8: SMTI. PHULESWARI MOCHAHARI
WIFE OF SRI ALINDRA MOCHAHARI
RESIDENT OF VILLAGE GARUBANDHA
P.O. AND P.S. ORANG
DISTRICT- UDALGURI (BTR)
ASSAM
PIN- 784114

9: M/S. PRABHU AGARWALLA STONE CRUSHER
HAVING ITS REGISTERED OFFICE AT SETHI TRUST BUILDING
BHANGAGARH
G.S.ROAD
GUWAHATI- 781005
DISTRICT- KAMRUP (M)
ASSAM
PROPRIETOR SRI PRABHU AGARWALLA
REPRESENTED BY SRI JATIN BASUMATARY (LESSEE)

10: SRI JATIN BASUMATARY (LESSEE)
SON OF LATE MANIRAM BASUMATARY
RESIDENT OF VILLAGE BARJHAR
P.O. BARJHAR BAZAR
P.S. ORANG
DISTRICT- UDALGURI (BTR)
ASSAM
PIN- 784114

11: M/S SUNIL KUMAR JAIN STONE CRUSHER AND SCREENING PLANT

HAVING ITS REGISTERED OFFICE AT VILLAGE GARUBANDHA
ORANG
P.O. AND P.S. ORANG
PIN- 784114
DISTRICT- UDALGURI (BTR)
ASSAM
REPRESENTED BY ITS PROPRIETOR- SRI SUNIL KUMAR JAIN

12: SRI SUNIL KUMAR JAIN
SON OF LATE GANPAT RAI JAIN
RESIDENT OF VILLAGE- HATIGARH
P.O. AND P.S. ROWTA
PIN- 784508
DISTRICT- UDALGURI (BTR)
ASSA

VERSUS

THE UNION OF INDIA AND 8 ORS.
REPRESENTED BY THE SECRETARY, MINISTRY OF MICRO, SMALL AND
MEDIUM ENTERPRISES, GOVERNMENT OF INDIA, NEW DELHI- 110001

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
INDUSTRY AND COMMERCE DEPARTMENT
DISPUR
GUWAHATI- 06

3:THE BODOLAND TERRITORIAL COUNCIL
REPRESENTED BY THE PRINCIPAL SECRETARY
KOKRAJHAR
P.O. AND P.S. KOKRAJHAR
PIN- 783370
DISTRICT- KOKRAJHAR (BTR)
ASSAM

4:THE POLLUTION CONTROL BOARD
ASSAM
REPRESENTED BY ITS MEMBER SECRETARY
BAMUNIMAIDAM
P.O. BAMUNIMAIDAM
P.S. CHANDMARI
GUWAHATI-03
DISTRICT- KAMRUP (M)
ASSAM

5:THE DEPUTY COMMISSIONER

UDALGURI
P.O. AND P.S. UDALGURI
DISTRICT- UDALGURI (BTR)
ASSAM
PIN- 784509

6:THE DIVISIONAL FOREST OFFICER
DHANSIRI FOREST DIVISION
UDALGURI
P.O. AND P.S. UDALGURI
PIN- 784509
DISTRICT- UDALGURI (BTR)
ASSAM

7:THE GENERAL MANAGER
DISTRICT INDUSTRIES AND COMMERCE CENTRE
UDALGURI BTR
P.O. AND P.S. UDALGURI
PIN- 784509
DISTRICT- UDALGURI (BTR)
ASSAM

8:THE AGRICULTURAL DEVELOPMENT OFFICER
ROWTA AGRICULTURAL CIRCLE
P.O. AND P.S. ROWTA
DISTRICT- UDALGURI (BTR)
ASSAM
PIN- 784508

9:THE CIRCLE OFFICER
MAZBAT REVENUE CIRCLE
MAZBAT
P.O. AND P.S. MAZBAR
DISTRICT- UDALGURI (BTR)
ASSA

Advocate for the Petitioner : MR R S CHAUHAN

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 17.11.2023

Heard Mr. R.S. Chouhan, learned counsel for the petitioners. Also heard Mr. U.K. Dutta, learned CGC, respondent no.1, Mr. N. Kalita, learned counsel, appearing on behalf of Mr. A. Kalita, learned standing counsel for respondent no.2 and 7, Ms. R.B. Bora, learned standing counsel for respondent nos. 3, 6 and 8, Mr. S. Baruah, learned standing counsel for respondent no.4 and Mr. K. Gogoi, learned Addl. Senior Govt. advocate appearing for respondent nos. 5 and 9.

2. The case projected by the petitioner is that by virtue of consent to operate obtained from the Pollution Control Board, the petitioners are operating their respective stone crusher unit. However, the Deputy Commissioner, Udalguri, now District Commissioner, Udalguri by the impugned order dated 16.03.2023 under Memo No. UMG-6/2020/Pt. /429/6208 on recording its satisfaction with the enquiry report and the emergent nature of environmental impact, ordered closure and sealing of the stone crusher units of the petitioners operating at Gorubandha village under Mazbat revenue circle. Accordingly, the aggrieved petitioners have assailed the said impugned order by filing this writ petition under Article 226 of the Constitution of India.

3. The learned counsel for the petitioners has submitted that although the petitioners had several permits and no objection from various authorities, only few documents were lacking which were subsequently procured by the petitioners and they now have the requisite documents to operate their stone crusher units.

4. In this regard, having considered the submissions made by the learned State and departmental counsel appearing for the respondents, this Court, without adjudicating the issue involved in this writ petition, is of the considered

opinion that as the petitioners project that they have the requisite documents to operate their stone crusher units, it would be in their interest to permit the petitioners to approach the competent licensing authority under the Assam Stone Crusher Establishment and Regulation Rules, 2013 for renewal of the stone crushing unit licence and in the event such an application along with certified copy of this order is submitted by the petitioners individually, the said competent authority shall consider the same and pass appropriate orders thereon after considering the documents and its entirety as produced by the petitioners in support of their applications.

5. Accordingly, without adjudicating the issue involved in this writ petition, this writ petition stands closed with observation as indicated hereinabove.

JUDGE

Comparing Assistant