

GAHC010318712019



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

Case No. : PIL/14/2020

HIMADRI ADHIKARI BAKSHI AND ANR.
PRESIDENT GHAR SAMRIDHI, R/O WARD NO. 22, SILCHAR TOWN P.S.
SILCHAR, SADAR, DIST. CACHAR, ASSAM

2: SARMISTA DAS TALUKDAR
SECRETARY GHAR SAMRIDHI
R/O WARD NO. 15
SILCHAR TOWN P.S. SILCHAR
SADAR
DIST. CACHAR
ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
ENVIRONMENT AND FOREST DEPTT. DISPUR, GUWAHATI-781006

2: THE PRINCIPAL CHIEF CONSERVATOR OF FOREST, ASSAM
PANJABARI, GUWAHATI-781037

3: THE CONSERVATOR OF FOREST
SOUTHERN ASSAM CIRCLE
P.O. SILCHAR DIST. CACHAR
ASSAM, PIN-788001

4: THE DIVISIONAL FOREST OFFICER
CACHAR FOREST DIVISION, SILCHAR
P.O. SILCHAR DIST. CACHAR
ASSAM, PIN-788001

5: THE RANGE FOREST OFFICER
UDHARBOND RANGE
UDHARBOND

DIST. CACHAR
ASSAM, PIN-788030

6:THE DEPUTY COMMISSIONER
CACHAR, SILCHAR
P.O. SILCHAR DIST. CACHAR
ASSAM, PIN-788001

7:BHUSAN PAUL
S/O ASWANI PAUL
STONE MAHALDAR/LESSEE
R/O VILL. SADAGRAM
P.O. DHOLAI BAZAR
PS. DHOLAI, DIST. CACHAR
ASSAM, PIN-78811

For the petitioner : Mr. S. Islam, Advocate

For the respondents: Mr. K.P. Pathak,
Standing Counsel, Forest
Mr. H.K. Hazarika,
Junior Govt. Advocate, Assam

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

25-05-2023

S. Mehta, C.J.

The instant writ petition in the nature of public interest litigation was filed by the petitioners raising a grievance regarding illegal extraction of stones from small canals/nalas of Madhura River by using excavator/JCB.

The mining leases for minor minerals were granted by the concerned department from the Dora nala and Thaikul Nala which are tributaries of the Madhura River. This Court vide order dated 06.02.2020, directed constitution of

a Three Member Team which conducted spot enquiries on 13.02.2020 and 14.02.2020. The report of the Three Member team indicates that it did not notice any activity of collection/extraction of stones from the river bank of Madhura river. However, it was noticed that stones were being extracted from nearby quarries, i.e. Dora Nala and Thaikul Nala. The team further reported that the Dora Nala stone extraction permit was issued for the purpose of Government development works under the Assam Minor Mineral Concession Rules, 2013 whereas Thaikul Nala stone quarry was settled with one Bhusan Paul through competitive bidding process as laid down under the Rules of 2013. The committee also reported that previous reports prepared by the department were not in conformity with the findings of the committee. The department in turn, filed an additional affidavit on 20.04.2023 wherein aspersions have been cast on one Rajib Das who claimed to be representing the petitioners and assisted the committee without any authority. It was further alleged that Rajib Das was an unsuccessful bidder who had participated in the tender process for settlement of the Dora Nala and Michikur Nala concession areas.

Considering the facts mentioned above, and as the committee itself has reported that the stone extraction activities are not being presently carried out from the Madhura river, and since the stone quarries of Dora Nala and Thaikul Nala are operating under valid leases granted under Rules, 2013, no further directions are required to be issued in the writ petition. Needless to say that if at all the petitioners are aggrieved by mining leases granted for extraction of stones from Dora Nala and Thaikul Nala, they would be required to avail the suitable remedy for challenging the same.

In any event, in the present PIL, there is no challenge to the mining leases granted for these two locations, i.e. Dora Nala and Thaikul Nala. Hence,

requiring the respondents to ensure by proper monitoring that the mining activities of Dora Nala and Thaikul Nala quarries are carried out strictly within the confines of the concession area and that no illegal mining activities are permitted in the Madhura River bed, proceedings of the instant PIL are closed.

JUDGE

CHIEF JUSTICE

Comparing Assistant