

GAHC040003942024



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

Case No. : WP(C)/129/2024

Joram Eram

S/o Joram Lalin, aged about 30 years, a permanent resident of Shuil Joram village,
PO/PS Ya-Chuli, District Keyi Panyor, AP

VERSUS

THE STATE OF AP and 2 Ors

represented by the Principal Conservator of Forest, Deptt. of Forest, Govt. of AP,
Itanagar 2:The District Forest Officer

Age: 0

Occupation :

3:The Range Forest Officer

Age: 0

Occupation

Advocate for the Petitioner : Arup Bhattacharjee

Advocate for the Respondent : GA (AP)

BEFORE
HONBLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 19/03/2024

Heard Mr. A. Bhattacharjee, learned counsel for the writ petitioner. Also heard Ms. G.

Ete, learned Additional Senior Government Advocate, Arunachal Pradesh, appearing for the official respondents.

By filing this writ petition, the eviction notice dated 05/03/2024, issued by the Range Forest Officer, has been put under challenge.

By the impugned eviction, the petitioner has been asked to vacate the encroached forest land within 15 (fifteen) days from the date of issuing the notice, failing which, eviction will be carried out against him.

The petitioner's counsel submits that his client is not denying nor disputing the fact that he is in occupation of forest land but due to his poor economic condition, the petitioner is not in a position to immediately shift to another land for residence. Mr. Bhattacharjee submits that all that the petitioner is seeking from this Court is 3 (three) months time to voluntarily vacate the land after locating an alternative place of residence. Mr. Bhattacharjee further submits that his client is giving a categorical undertaking to the effect that till such time, he is allowed to remain in the forest land, no permanent /or temporary construction will be raised by the petitioner.

Ms. Ete, learned Government Advocate, Arunachal Pradesh, on the other hand, has submitted that large number of persons encroaching forest land had approached this Court by making similar prayer but ultimately, they failed to vacate the land. Therefore, the relief prayed for by the petitioner be declined by this Court.

I have considered the submissions made at the Bar and have gone through the materials available on record.

It appears that the petitioner is in possession of forest land wherein, he has constructed a temporary dwelling house and is residing therein. Since the petitioner has admitted that he is in possession of forest land, the question of interfering with the impugned eviction notice dated 05/03/2024 cannot arise in the eyes of law. However, taking note of the submission of Mr. Bhattacharjee that if some time is granted, his client will voluntarily vacate the forest land and/ or relocate himself in another suitable land not belonging to the Forest Department, this writ petition is being disposed of by suspending the operation of the eviction notice dated 05/03/2024 for a period of 6(six) weeks from today.

It is, however, made clear that if the petitioner fails to vacate the land by removing the structure erected there upon on or before 08/05/2024, in that event it will be open for the

authorities to evict the petitioner from the Forest land without issuing any further notice. It is also made clear that the petitioner would not raise any further permanent and/or temporary construction over the plot of land in question.

With the above observation, the writ petition stands disposed of.

JUDGE

Sukhamay

Comparing Assistant