

GAHC010015102024



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

Case No. : PIL/10/2024

KAMALESWAR PHANGCHO AND 10 ORS
S/O LATE DEVO PHANGCHO
RESIDENT OF VILLAGE CHAMATA PATHAR. PO AND PS SONAPUR, DIST
KAMRUP M ASSAM 782402

2: URBASI TUMUNG
W/O BHAGEN THUMUNG

RESIDENT OF VILLAGE CHAMATA PATHAR. PO AND PS SONAPUR
DIST KAMRUP M ASSAM 782402

3: SACHINDRA DAS
S/O JADUMONI DAS
RESIDENT OF VILLAGE CHAMATA PATHAR. PO AND PS SONAPUR
DIST KAMRUP M ASSAM 782402

4: RAJANI TARO
S/O BIHU TARO
RESIDENT OF VILLAGE CHAMATA PATHAR. PO AND PS SONAPUR
DIST KAMRUP M ASSAM 782402

5: BIPEN PHANGCHU
S/O SUKURA PHANGCHU
RESIDENT OF VILLAGE CHAMATA PATHAR. PO AND PS SONAPUR
DIST KAMRUP M ASSAM 782402

6: MALOTI DAS
W/O NAGENDRA DUTTA
RESIDENT OF VILLAGE CHAMATA PATHAR. PO AND PS SONAPUR
DIST KAMRUP M ASSAM 782402

7: BARNALI TERON
W/O MALESWAR TERON
RESIDENT OF VILLAGE CHAMATA PATHAR. PO AND PS SONAPUR

DIST KAMRUP M ASSAM 782402

8: JUGE RAHANG
S/O MOHAN RAHANG

RESIDENT OF VILLAGE CHAMATA PATHAR. PO AND PS SONAPUR
DIST KAMRUP M ASSAM 782402

9: MOINUL HOQUE CHOUDHURY
S/O LATE ABDUL SAYAD CHOUDHURY
RESIDENT OF VILLAGE KASUTALI
PO DIGARU
PS SONAPUR DIST KAMRUP M ASSAM 782401

10: BATEN ALI
S/O LATE AYUB ALI
RESIDENT OF VILLAGE SONAPUR GAON
PO AND PS SONAPUR
DIST KAMRUP M ASSAM 782402

11: MD. ATABUR RAHMAN
S/O LATE SIRAJUL HOQUE
RESIDENT OF VILLAGE SONAPUR GAON
PO AND PS SONAPUR
DIST KAMRUP M ASSAM 78240

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY ,
ENVIRONMENT AND FOREST DEPARTMENT, DISPUR, GUWAHATI 06

2:THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY ASSAM
REPRESENTED BY THE MEMBER SECRETARY
MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE
GOVT. OF INDIA BUMINIMADAM GUWAHATI 21

3:THE POLLUTION CONTROL BOARD ASSAM
REPRESENTED BY THE MEMBER SECRETARY/CHAIRMAN
POLLUTION CONTROL BOARD
ASSAM BAMUNIMADAM GUWAHATI 21

4:THE DISTRICT COMMISSIONER
KAMRUP M GUWAHATI 36

5:THE CIRCLE OFFICER

SONAPUR REVENUE CIRCLE

DIST KAMRUP M ASSAM 782401

6:61 NO. SONAPUR GAON PANCHAYAT
REPRESENTED BY THE PRESIDENT / SECRETARY DIST KAMRUP M
ASSAM 782401

7:M/S DAIVIK CEMENT MANUFACTURING PRIVATE LIMITED
REPPRESENTED BY ITS DIRECTOR
REGISTERED OFFICE AT JAYA NAGAR
BELTOLA. DIST KAMRUP M ASSAM 781028

8:M/S PERFECT ENVIRO SOLUTIONS PVT. LTD.
SITUATED AT NN MALL. SECTOR 3
ROHINI NEW DELHI 8

Advocate for the Petitioner : G UDDIN

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

15.02.2024

(Vijay Bishnoi, CJ)

This writ petition, in the design of public interest litigation, is filed by the petitioners with a prayer set aside the action of the respondents of contemplating to establish 300 TPD (0.09 MTPA), VSK (Vertical Shaft Kiln) Clinker Manufacturing Unit and 500 TPD (0.15 MTP) Cement Manufacturing Unit at Village Samata Pathar under Sonapur Mauza in the district of Kamrup (M), Assam and necessary orders in this regard be issued.

In the writ petition the petitioners have pleaded that the Pollution Control Board, Assam has invited objections in the public hearing from the public at large including environmental activists, groups, NGOs etc and they apprehend that the Pollution Control Board may not consider the objections

filed by the residents objectively.

Learned counsel appearing for the Pollution Control Board has submitted that public hearing was conducted on the scheduled date and the Pollution Control Board has cleared the establishment of the concerned cement manufacturing units and thereafter the Ministry of Environment, Forest and Climate Change (issued by the State Environment Impact Assessment Authority (SEIAA), Assam), Government of India has granted environment clearance to the proposed projects vide order dated 05.01.2024. It is also submitted by the learned counsel for the Pollution Control Board that the proceedings of the public hearing were submitted/uploaded to the SEIAA and the minutes were also uploaded in the PARIVESH portal on 14.10.2023.

At this stage, the learned counsel for the petitioners, on instructions, has submitted that he wants to withdraw this writ petition with liberty for the petitioners to challenge the decision of the Pollution Control Board of granting clearance for establishment of the cement manufacturing units in question as well as the decision of the Ministry of Environment, Forest and Climate Change (issued by the State Environment Impact Assessment Authority (SEIAA), Assam), Government of India of granting environment clearance to the proposed manufacturing units in question.

In view of the above contention of the petitioners' counsel, this writ petition is dismissed with liberty as prayed.

JUDGE

CHIEF JUSTICE

Comparing Assistant