

GAHC010029482023



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

Case No. : WP(C)/787/2023

ALI HUSSAIN
SON OF LATE ABDUL MOJID,
VILLAGE- GOLIRPAR (BORACHAPORI),
P.S.- TEZPUR (RIVER),
DISTRICT- SONITPUR, ASSAM.

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT OF ASSAM,
DISPUR, GUWAHATI, ASSAM-06.

2:THE COMMISSIONER AND SECRETARY
GENERAL ADMINISTRATION DEPARTMENT
GOVT. OF ASSAM
DISPUR
GUWAHATI
ASSAM-06.

3:THE COMMISSIONER AND SECRETARY OF THE GOVT. OF ASSAM
ENVIRONMENT AND FOREST DEPARTMENT
DISPUR
GUWAHATI
ASSAM-06.

4:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST FORCE
ASSAM
ENVIRONMENT AND FOREST DEPARTMENT
ARANYA BHAWAN
PANJABARI ROAD
GUWAHATI
ASSAM

PIN- 781037.

5:PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
F BLOCK
1ST FLOOR
ASSAM SECRETARIAT (CIVIL)
DISPUR
GUWAHATI-06.

6:THE DEPUTY COMMISSIONER
SONITPUR
P.O.- TEJPUR
DIST.- SONITPUR

ASSAM
PIN- 784001.

7:THE DIVISIONAL FOREST OFFICER
NAGAON WILDLIFE SUB-DIVISION AND DEPUTY DIRECTOR

KAZIRANGA TIGER PROJECT
KATIMARI
NAGAON
ASSAM
PIN- 782002

Advocate for the Petitioner : MS. D GHOSH, MR I CHAKMA,MR. S. K. CHAKMA

Advocate for the Respondent : GA, ASSAM, SC, FOREST,SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 05.08.2024

Heard Mr. I. Chakma, learned counsel for the petitioners. Also heard Mr. I. Borthakur, learned Standing Counsel for the Forest Department, Mr. S. R. Baruah, learned Govt. Advocate for the State

respondents and Ms. P.R. Mahanta, learned Standing Counsel, Revenue Department appearing for respondent No.5.

By filing this Writ Petition, the petitioners sought quashing and setting aside the impugned order dated 25.01.2023, issued by the Divisional Forest Officer, Nagaon Wildlife Sub-Division and Deputy Director, Kaziranga Tiger Project, whereby the respondent authorities sought to evict the petitioner.

It is submitted at the Bar that the petitioners have already been evicted and to that extent, the Writ Petition has become infructuous.

It is further submitted at the Bar that as regards the prayer of rehabilitation, there is a notification to ensure that such evicted persons are to be rehabilitated, subject to certain conditions.

In view of the aforesaid endorsement made by the respective counsels, this Court is of the considered view that for the ends of justice, the Writ Petition can be disposed of with a direction to the petitioners to file an application before the concerned respondent authority with a prayer for rehabilitation as per the scheme formulated in this connection.

As and when such application is filed, the concerned authority shall consider the same in accordance with law and after determining as to whether the case of the petitioner is covered under the scheme in question, pass appropriate order(s) thereon within a period of six (6) months from the date of receipt of certified copy of this order.

With the aforesaid direction and observation, this Writ Petition

stands disposed of.

JUDGE

Comparing Assistant