

GAHC010042602024



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

Case No. : PIL/16/2024

ABDUL ADUD CHOUDHURY
SON OF LATE NAJIB ALI CHOUDHURY, RESIDENT OF VILLAGE-
MAIZGRAM, PS AND DIST- KARIMGANJ, ASSAM, PIN- 788712

VERSUS

THE MEMBER SECRETARY AND 5 ORS
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
BAMUNIMAIDAN, GUWAHATI-21

2:THE DIRECTOR
DIRECTORATE OF GEOLOGY AND MINING
KAHILIPARA
GUWAHATI-19

3:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST (PCCF) AND HEAD OF
THE FOREST FORCE (HOFF)
PANJABARI
GUWAHATI- 37

4:THE DISTRICT COMMISSIONER OF KARIMGANJ DISTRICT
PO
PS AND DIST- KARIMGANJ
ASSAM
PIN- 788710

5:THE DIVISIONAL FOREST OFFICER
KARIMGANJ FOREST DIVISION
PS AND DIST- KARIMGANJ
ASSAM
PIN- 788710

6:THE RANGE OFFICER (SADAR)
FOREST RANGE OFFICE
PS AND DIST- KARIMGANJ
ASSAM
PIN- 78871

Advocate for the Petitioner : MR H R CHOUDHURY

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

15.03.2024

(Vijay Bishnoi, CJ)

This PIL is filed by the petitioner with a prayer to issue a writ of mandamus directing the respondents to stop further cutting of land of semi hills/semi tillas in the village Maizgram of Karimganj district.

Having perused the contents of the petition, we are of the view that the petition is filed without proper research and only vague allegations have been levelled without substantiating the same with proper documentary or other evidence.

The learned counsel for the Forest Department has submitted that earlier the petitioner has preferred WP(C) No.6712/2023 before the Single Bench of this Court seeking same reliefs. However, the said writ petition was dismissed as withdrawn vide order dated 12.12.2023 without seeking any liberty to file fresh petition. It is also submitted that the fact of filing of earlier petitioner has not been mentioned by the petitioner in this writ petition.

Taking into consideration the above facts, particularly the fact that

vague allegations have been levelled by the petitioner in this writ petition without substantiating them with evidence and proof and the earlier writ petition filed by the petitioner before the learned Single Judge was withdrawn without seeking any liberty, we are of the view that this writ petition is not maintainable. It is very serious that the petitioner has suppressed the fact of filing earlier writ petition and therefore, we deem it appropriate to dismiss this writ petition with a cost of Rs.5000/- (Rupees Five Thousand) to be deposited in the Gauhati High Court Legal Services Committee within a period of one month.

JUDGE

CHIEF JUSTICE

Comparing Assistant