

GAHC010042712019



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

Case No. : WP(C)/1518/2019

MUHIRAM BASUMATARY
S/O- SRI SONESWAR BASUMATARY, R/O- NO. 2, DIKRONG CHAPORI,
BANDERDEWA, P.O. PATHALI PAHAR, DIST- LAKHIMPUR, ASSAM, PIN-
787001

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE SECY. TO THE GOVT. OF ASSAM, ENVIRONMENT AND
FOREST DEPTT., ASSAM SACHIVALAYA, DISPUR, GHY-6

2:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HEAD OF
FOREST FORCE
ASSAM AND COMPETENT AUTHORITY
REHABARI
GHY-8

3:THE DIVISIONAL FOREST OFFICER
LAKHIMPUR DIVISION
DIST- LAKHIMPUR
ASSAM
PIN- 787001

4:THE ACF
I/C
LAKHIMPUR
NORTH LAKHIMPUR RANGE
PIN- 787001

5:THE RANGE OFFICER
NORTH LAKHIMPUR FOREST RANGE
PIN- 78700

Advocate for the Petitioner : MR. J C GOGOI

Advocate for the Respondent : SC, FOREST

**BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 22-01-2024

Heard Mr. M. H. Laskar, learned counsel for the petitioner and Mr. R. R. Gogoi, learned counsel for all the respondents.

The case of the petitioner is that by a Final settlement order dated 10.06.2014, the DFO, Lakhimpur Division had granted permit to the petitioner for collection of Sand and Gravel from 8 Hectar area of Lower Subansiri Mining Contract Area following a tender process. Thereafter, the respondent no. 5 by way of several permits granted M/S Shivam Bhartia (JV) to extract minor minerals from and within the petitioner's permit area illegally. Accordingly, the petitioner suffered loss due to such permit given by respondent no. 5. The petitioner has made a representation before the DFO, Lakhimpur and Principal Chief Conservator of Forests & Head of Forest Force, Assam on 28.08.2017, either to demarcate the actual boundary of the petitioner or to allow him to surrender the permit and repay the entire deposits with the Forest Department. But, no action has been taken by the respondent authorities, accordingly, the petitioner stopped operation of the said Mining area w.e.f., September, 2017.

The further case of the petitioner is that, the respondent authorities have not taken any steps to return the petitioner's deposit till today. The learned counsel for the petitioner submits that the respondent authorities is liable to return the security money of Rs. 37,75,000/- (Rupees thirty seven lakhs seventy five thousand only) to the petitioner and also one year due deed rent amounting to Rs. 15,10,000/- (Rupees fifteen lakhs ten thousand only) totaling to Rs 52,85,000/- (Rupees fifty two lakhs eighty five thousand only).

Mr. R.R. Gogoi, learned Standing counsel for the Forest Department in all fairness

submits that the petitioner may be directed to approach the respondent no. 2, the Principal Chief Conservator of Forests for refund of the security amount as well as one year due deed rent amount totaling to Rs 52,85,000/- (Rupees fifty two lakhs eighty five thousand only).

On the consent of the learned counsel for the parties, this matter is disposed of with a direction that the petitioner shall approach the respondent no. 2, the Principal Chief Conservator of Forests for refund of the security amount as well as one year due deed rent amount entitled to him with a fresh representation along with the copies of all the earlier representations submitted by him before the other authorities, within a period of 15 days.

On receipt of such representation to be submitted by the petitioner, the respondent no. 2 shall verify and examine the entitlement of the petitioner and release the amount entitled to him and/or to dispose of the representation with a speaking order within a period of four weeks from the date of receipt of such representation.

With the above directions, this writ petition stands disposed of.

JUDGE

Comparing Assistant