

GAHC010061172024



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

Case No. : WP(C)/1708/2024

KAILASH JALAN
S/O- LATE J.L JALAN,
R/O- CHLIHANAGAR, TINSUKIA,
P.O AND DIST- TINSUKIA, PIN-786125

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM,
ENVIRONMENT AND FOREST DEPARTMENT
DISPUR, GUWAHATI-06, DIST- KAMRUP (M), ASSAM

2:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST
AND HEAD OF FOREST FORCE (HOFF)
ARANNYA BHAWAN
PANJABARI
GUWAHATI-37
DIST- KAMRUP (M)
ASSAM

3:THE CHIEF CONSERVATOR OF FOREST
EASTERN ASSAM CIRCLE
JORHAT
DISTRICT- JORHAT
PIN-785001
ASSAM

4:THE DIVISIONAL FOREST OFFICER

SIVASAGAR DIVISION (T)
DISTRICT- SIVASAGAR
PIN-785640

ASSAM

5:THE COMMISSIONER
DEPARTMENT OF FOREST
GOVT. OF ASSAM
DISPUR
GUWAHATI-06
ASSAM

6:THE RANGE OFFICER
SIVASAGAR DIVISION (T)

DISTRICT- SIVASAGAR
PIN-785640
ASSA

Advocate for the Petitioner : MR. B BARUAH

Advocate for the Respondent : SC, FOREST

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

27.03.2024

1. Heard Mr. B. Baruah, learned counsel for the petitioner, who submits that there is rampant illegal mining being done for extraction of stone from Dilli river Stone Quarry "C (Unsettled)". He submits that the respondent authorities should be directed to follow the Assam Minor Mineral Concession Rules, 2013 and make settlement of the area for mining by issuing a fresh tender.
2. Mr. D. Gogoi, learned Standing Counsel for the Forest Department submits that the petitioner has got no *locus standi* to file the writ petition, as no legal right of his has been violated. Accordingly, the same has to be dismissed.
3. On hearing the learned counsels for the parties, this Court is of the view that no legal right of the petitioner has been violated. If the petitioner desires,

he can always file a PIL against any alleged illegal mining going on under the nose of the private respondents. This Court cannot embark on a roving inquiry just to satisfy the petitioner's apprehension regarding the alleged illegal mining going on. As no legally enforceable right of the petitioner has been violated, this Court does not find any ground to exercise its discretion in the present case.

4. The writ petition is accordingly dismissed.

JUDGE

Comparing Assistant