

GAHC010066382020



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

Case No. : WP(C)/3645/2020

ASHIT CHANDRA DEY AND ANR.
S/O- LT. ABHINASH CHANDRA DEY, R/O- VILL- SIDDESWAR PART-II, P.O.
AND P.S. KATIGORAH, DIST.- CACHAR, ASSAM, PIN- 788805

2: PARBATI DUTTA
D/O- PROBHA CH. DUTTA
R/O- VILL- SIDDESWAR PART-II
P.O. AND P.S. KATIGORAH
DIST.- CACHAR
ASSAM
PIN- 78880

VERSUS

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

2:THE SECY.
GOVT. OF ASSAM
ENVIRONMENT AND FOREST DEPTT.
DISPUR
GHY-6

3:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST
PANJABARI
ARANYA BHAWAN
GHY-37

4:THE CHIEF CONSERVATOR OF FOREST (TERRITORIAL)
SILCHAR
CACHAR
ASSAM

5:THE DIVISIONAL FOREST OFFICER
KARIMGANJ DIVISION
DHARKUNA
KARIMGAN

For the Petitioner(s) : Mr. K. Biswakarma, Advocate

For the Respondent(s) : Mr. I. Borthakur, SC, Forest Department

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 06.11.2024

Heard Mr. K. Biswakarma, the learned counsel appearing on behalf of the petitioners and Mr. I. Borthakur, the learned standing counsel appearing on behalf of the Forest Department.

2. Mr. K. Biswakarma, the learned counsel, submits that he is no longer holding the brief and the file had been taken back taken by the petitioners long back with an undertaking to engage some other counsel.

3. Be that as it may, Mr. I. Borthakur, the learned Standing Counsel appearing on behalf of the Forest Department submitted that the prayer which has been made in the writ petition cannot be granted now, taking into account the provisions of Assam Minor Minerals Concession Rules, 2013 which have been made by the State Government.

4. This Court has also perused the said Rules and is of the opinion that without there being a mining permit in terms with Rule 8, there cannot be a question of permitting the petitioners to extract any quantity of stone materials from the Lakhicherra Nala. Accordingly, the instant writ petition stands dismissed.

5. Be that as it may, the petitioners, if so aggrieved may be at liberty to submit a representation if there is any amount to which the petitioners are entitled to the un-extracted quantity of materials lying with the State.

JUDGE

Comparing Assistant