

GAHC010127842021



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

Case No. : PIL/60/2021

TAZUDDIN AHMED AND 4 ORS
S/O LATE AINUDDIN AHMED, R/O VILL-HARIPUR, P.O.-BAHARI HAT, DIST-
BARPETA, ASSAM, PIN-781302

2: HASHIM ALI
S/O LATE TAMEZUDDIN AHMED
R/O VILL-BAHARI MUSLIM PARA
P.O.-BAHARI HAT
DIST-BARPETA
ASSAM
PIN-781302

3: ABANI KUMAR DAS
S/O LATE PRANESWAR DAS
R/O VILL-BAHARI
P.O.-BAHARI HAT
DIST-BARPETA
ASSAM
PIN-781302

4: AMAL KUMAR CHANDA
S/O LATE MONORANJAN CHANDA
R/O BAHARI RESERVE
P.O.-BAHARI HAT
DIST-BARPETA
ASSAM
PIN-781302

5: SHAHJAHAN ALI SIKDAR
S/O LATE ABDUL KARIM SIKDAR
R/O VILL-HARIPUR
P.O.-BAHARI HAT
DIST-BARPETA
ASSAM

PIN-78130

VERSUS

THE UNION OF INDIA AND 8 ORS
REPRESENTED BY THE SECRETARY TO THE MINISTRY OF WATER
RESOURCES, GOVT. OF INDIA, NEW DELHI-1

2:THE CENTRAL WATER COMMISSION
REPRESENTED BY ITS CHAIRMAN
CWC
2ND FLOOR (SOUTH) SEWA BHAWAN
R.K. PURAM
NEW DELHI-110066

3:THE CHAIRMAN
CENTRAL WATER COMMISSION
NEW DELHI-110066

4:THE BRAHMAPUTRA BOARD
REPRESENTED BY ITS CHAIRMAN
BASISTHA
GUWAHATI-39

5:THE CHIEF ENGINEER
BRAHMAPUTRA AND BARAK BASIN ORGANISATION
REBEKKA VILLE
BARIK POINT
LOWER LACHUMIERE
SHILLONG-793001

6:THE COMMISSION AND SECRETARY TO THE GOVT. OF ASSAM
DEPARTMENT OF WATER RESOURCES
DISPUR
GUWAHATI-6

7:THE CHIEF ENGINEER
WATER RESOURCES DEPARTMENT
GOVT. OF ASSAM
CHANDMARI
GUWAHATI-3

8:THE EXECUTIVE ENGINEER
DEPARTMENT OF WATER RESOURCES
BARPETA DIVISION P.O. AND DIST-BARPETA
ASSAM
PIN-781301

9:THE DEPUTY COMMISSIONER
BARPETA
P.O. AND DIST- BARPETA
ASSAM
PIN-78130

Advocate for the Petitioner : MR. A R SIKDAR, M M ZAMAN

Advocate for the Respondent : ASSTT.S.G.I., MS. B SARMA (C.G.C., R1-R3),MR. S C KEYAL
(SC, BRAHMAPUTRA BOARD),SC, WATER RESOURCE,GA, ASSAM

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

ORDER

Date : 02/08/2024
Vijay Bishnoi, CJ

Heard Mr. A.R. Sikdar, learned counsel for the petitioners. We have also heard Mr. R.K.D. Choudhury, learned DSGI, Mr. R.M. Das, learned Standing Counsel, Water Resources Department, Assam and Mr. D.K. Sarmah, learned Additional Senior Government Advocate, Assam, appearing for the respective respondents.

By this PIL petition, the petitioners have essentially prayed to issue a direction to the respondents for granting approval to the Central Water Commission to the scheme R/S to B/Dyke from Bahari to Baghbor including protection of Bahari and its adjoining areas along with channelization of river Brahmaputra and reclamation of eroded land. It is also prayed that the respondents be directed to take up the issue of erosion of Brahmaputra and its tributaries as a national problem so as to take holistic and scientific approach to solve the problem of erosion. Certain other ancillary relief has also been prayed.

Mr. R.K.D. Choudhury, learned DSGI, has submitted that an affidavit is filed on behalf of the respondent nos. 1, 2 & 3 wherein, the efforts to tackle the problem of erosion of Brahmaputra and its Tributaries has been mentioned. It is submitted that the respondents are seriously making efforts to tackle the problems highlighted by the petitioners in this PIL.

In the latest affidavit filed on behalf of the respondent nos. 1, 2 & 3, the efforts carried out by the respondents to tackle the problem of erosion in the Brahmaputra and its Tributaries has been

mentioned in paragraph 4, which are quoted herein below for ready reference :-

“4. That the deponent begs to state that compliance to the comments of Hydrology (NE) Directorate, CWC were submitted by Project Authorities on 17/04/2024. Accordingly , the aspects regarding Hydrology was finalized vide letter dated 15/05/2024 and the same forwarded to Project Authorities vide email dated 15/05/2024 with a request to submit modified DPR along with the compliance of earlier observations issued by the Central Water Commission at earliest for needful action. Project authorities were reminded to sent compliance vide letter dated 27/06/2024. However, the modified DPR from Project Authorities is still awaited.”

Mr. R. M. Das, learned counsel appearing for the Water Resources Department i.e. the respondent nos. 6, 7 & 8, has submitted that the modified DPR from the Project Authorities is already received and the same has been sent to the Chief Engineer, BBO, CWC, for further action. Mr. Choudhury and Mr. Das have submitted that the project undertaken by the respondents will hopefully tackle the problem of erosion in the Bahari to Baghbor. It is also submitted that the project would be implemented by maintaining the time limit and standards.

At this stage, learned counsel for the petitioners has submitted that the efforts carried out by the respondents to tackle the problems highlighted in the PIL petition are being addressed in a proper manner and, therefore, no further direction is required to be passed in this PIL petition for the present.

In view of the above submission, we deem it appropriate to close this PIL petition. Hence, this PIL is disposed of.

JUDGE

CHIEF JUSTICE

sukhamay

Comparing Assistant