

GAHC010155872019



2024:GAU-AS:12738

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

Case No. : WP(C)/4850/2019

MUKUT DEKA AND 4 ORS.

S/O- LT MAHIDHAR DEKA, R/O- VILL- BEZERA, P.O. BEZERA, P.S. BAIHATA
CHARIALI, DIST- KAMRUP, ASSAM

2: ROMEN DEKA

S/O- LT MANIK DEKA
R/O- VILL- BEZERA
P.O. BEZERA
P.S. BAIHATA CHARIALI
DIST- KAMRUP
ASSAM

3: KAMINI DEKA

S/O- LT SARUNATH DEKA
R/O- VILL- BEZERA
P.O. BEZERA
P.S. BAIHATA CHARIALI
DIST- KAMRUP
ASSAM

4: MARAL DEKA

S/O- LT GIRIKANTA DEKA
R/O- VILL- BEZERA
P.O. BEZERA
P.S. BAIHATA CHARIALI
DIST- KAMRUP
ASSAM

5: KANAK DAS

S/O- LT DHARANIDHAR DAS
R/O- VILL- BEZERA
P.O. BEZERA
P.S. BAIHATA CHARIALI
DIST- KAMRUP

ASSA

VERSUS

THE STATE OF ASSAM AND 8 ORS.
REP. BY THE ADDL. CHIEF SECY. TO THE GOVT. OF ASSAM,
ENVIRONMENT AND FOREST DEPTT., SACHIVALAYA, DISPUR, GHY-6

2:THE POLLUTION CONTROL BOARD
ASSAM
REP. BY ITS MEMBER SECY.
BAMUNIMADAM
GHY-21

3:THE DY. COMMISSIONER
KAMRUP
DIST- KAMRUP
ASSAM

4:THE DISTRICT LEVEL ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY
REP. BY ITS MEMBER SECY.
KAMRUP DIST.
KAMRUP

5:(A)THE DIVISIONAL FOREST OFFICER
NORTH KAMRUP DIVISION
RANGIA
CHIRAKHUNDI

5:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST (TERRITORIAL)
(LOWER ASSAM)
PANBAZAR
GHY
DIST- KAMRUP (M)
ASSAM

6:CHIEF ENVIRONMENTAL ENGINEER
REGIONAL OFFICE
POLLUTION CONTROL BOARD
ASSAM
BAMUNIMADAM
GHY
ASSAM

7:THE CIRCLE OFFICER
KAMALPUR REVENUE CIRCLE
KAMALPUR

ASSAM

8:M/S MBK STONE CRUSHER INDUSTRY
REP. BY ITS PROPRIETOR SRI MIHIR CH. DEKA
R/O- VILL- BEZERA
P.O. BEZERA
P.S. BAIHATA CHARIALI
DIST- KAMRUP
ASSAM
PIN- 781121

9:M/S JMB STONE CRUSHER INDUSTRY
REP. BY ITS PROPRIETOR SRI JAGADISH KR. DEKA
R/O- VILL- BEZERA
P.O. BEZERA
P.S. BAIHATA CHARIALI
DIST- KAMRUP
ASSAM
PIN- 78112

Advocate for the Petitioner : MR. S BORTHAKUR, MR. P K BORAH,MR. J ABBAS

Advocate for the Respondent : SC, PCB, MR S DAS,MR R SENSUA,SC, FOREST,GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

16.12.2024

Heard Mr. D. Gogoi, learned counsel for the petitioners, who submits that the petitioners are agriculturalists living on farmlands. However, two stone crusher units have been set up near their land, which has caused various health problems to the persons living in the vicinity of the stone crushers. He also submits that due to the operation of the stone crushers, the trucks and dumpers that are being operated, are destroying the rural road connection that is being used by the petitioners and their families. He accordingly submits that though the petitioners have made representations to the authorities, to shift the

existing stone crusher units from the nearby lands as the same is in violation of the executive order No.6 given under the Assam land and Revenue Regulation, 1886, no decision has been taken by the District authorities till date.

2. The petitioners' counsel submits that the present writ petition can be disposed of, if a direction is issued to the Divisional Forest Officer, North Kamrup Division, Rangia, to take a decision on the petitioners' representation/complaint within a specified time period.

3. Mr. R.R. Gogoi, learned counsel for the Forest Department and Mr. M. Chetia, learned counsel for the District Commissioner submit that as the petitioners' representations are of the year 2018, the petitioners may submit a fresh representation to the Divisional Forest Officer, North Kamrup Division, Rangia, with regard to their grievance. If the same is submitted, a decision can be taken on the same by the Divisional Forest Officer, North Kamrup Division, Rangia.

4. The petitioners' counsel submits that the petitioners will submit a fresh representation to the Divisional Forest Officer, North Kamrup Division, Rangia with regard to the grievance of the petitioners.

5. In view of the consent of the parties, the petitioners are given the liberty to submit a fresh representation before the Divisional Forest Officer, North Kamrup Division, Rangia with regard to their grievance. The Divisional Forest Officer, North Kamrup Division, Rangia shall thereafter take a decision on receipt of the petitioners' representation at the earliest and preferably within a period of 5(five) months from the date of receipt of the petitioners' representation. The

Divisional Forest Officer, North Kamrup Division, Rangia should also take a decision, only after giving an opportunity of hearing to the owners of the stone crushers that may be affected by the decision to be taken by him.

6. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant