

GAHC010158292019



2024:GAU-AS:12721

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

Case No. : WP(C)/4723/2019

TAMAR DOYOM
PROPRIETOR OF M/S DOYOM SAW MILL I.E. KUPORIJO, P.S. UPPER
SUBANSIRI, DIST. UPPER SUBANSIRI ARUNACHAL PRADESH.

VERSUS

THE STATE OF ASSAM AND ANR.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, DEPTT. OF
ENVIRONMENT AND FOREST, DISPUR, GUWAHATI-781006, ASSAM.

2:THE PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM
ENVIRONMENT AND FOREST
DISPUR
GUWAHATI-781006

Advocate for the Petitioner : MR. Z KHALID, MS R R MUZIB,R JAMAN

Advocate for the Respondent : SC, FOREST,

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

16.12.2024

No one appears for the petitioner. Mr. R.R. Gogoi, learned counsel appears for the Forest Department.

2. The Notification dated 06.03.2017 issued by the Principal Secretary to the Government of Assam, Environment and Forest Department has been put under challenge. By the said Notification dated 06.03.2017 the Forest Department has enhanced the levy for transportation of timber, non-timber forest produce and minor minerals entering Assam through inter-state boundaries.

4. Mr. R.R. Gogoi, learned counsel for the Forest Department submits that the challenge made to the Notification dated 06.03.2017 has been laid to rest by the judgment and order dated 27.09.2019 passed in WP(C) No.3140/2017, wherein this Court had directed that the impugned Notification dated 06.03.2017 should be looked into afresh by the Government of Assam in the Environment and Forest Department, keeping in mind the legal and constitutional requirements, as well as the views expressed by the departmental authorities. A decision was thereafter to be taken and in the meantime, a restraining order was passed by this Court on the impugned Notification dated 06.03.2017, till a decision was reached.

5. Mr. R.R. Gogoi, learned counsel for the Forest Department submits that as on date, there is no change with the effect of the judgment and order dated 27.09.2019 passed in WP(C) No.3140/2017. He accordingly submits that writ petition should be disposed of, in line with the decision taken by this Court in the judgment and order dated 27.09.2019 passed in WP(C) No.3140/2017.

6. Para 28 of the judgment and order dated 27.09.2019 passed in WP(C) No.3140/2017 states as follows:

28. Therefore, having regard to the above and on a thorough consideration of the materials on record, Court is of the view that the matter is required to be relooked by the Environment and Forest Department, Government of Assam, taking note of the discussions made above. Let the impugned notification dated 06.03.2017 be looked into afresh by the Government of Assam in the Environment and Forest Department, keeping in mind the legal and constitutional requirements as well as views expressed

by the departmental authorities, whereafter, an appropriate decision may be taken. Let such decision be taken within a period of 4 (four) months from the date of receipt of a certified copy of this order. During this period, restraint orders passed by this Court to the effect that respondents would not insist on the rates indicated in the impugned notification dated 06.03.2017 would hold the field.

7. In view of the decision taken by this Court in the judgment and order dated 27.09.2019 passed in WP(C) No.3140/2017, this writ petition is also disposed of accordingly.

JUDGE

Comparing Assistant