

GAHC010163662018



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

Case No. : WP(C)(Suo Moto)/13/2018

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GAUHATI HIGH COURT, ASSAM

VERSUS

IN RE - THE STATE OF ASSAM AND 4 ORS.
REP. BY THE CHIEF SECRETARY, GOVT OF ASSAM, JANATA BHAWAN,
DISPUR, GHY- 06

2:THE STATE OF ASSAM
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPTT
JANTA BHAWAN
DISPUR
GHY- 06

3:THE STATE OF NAGALAND
REP. BY THE CHIEF SECRETARY
GOVT OF NAGALAND
NAGALAND CIVIL SECRETARIAT
KOHIMA- 797004

4:THE STATE OF MIZORAM
REP. BY THE CHIEF SECRETARY
GOVT OF MIZORAM
NEW SECRETARIAT COMPLEX
AIZWAL- 796001

5:STATE OF ARUNACHAL PRADESH
REP. BY THE CHIEF SECRETARY
GOVT OF ARUNACHAL PRADESH
CIVIL SECRETARIAT

ITANAGAR- 791111

6:SRI RANI SATI MANDIR COMMITTEE
MAHALAYA ROAD
REHABARI WARD
DIBRUGARH TOWN
MAUZA AND DISTRICT- DIBRUGARH
ASSAM.

7:MANISH DEORAH
S/O SRI ASHOK DEORAH
R/O SEUJPUR
LANE NO.1
DIBRUGARH-786 001

For petitioner/appellant(s) : Mr. H.K. Das, SC, GHC (*amicus curiae*)

For respondent(s) : Mr. P.K. Tiwari, Sr. Advocate
Mr. A. Chandran, Addl. Sr. GA, Arunachal Pradesh
Ms. M. Kechii, Addl. AG, Nagaland
Ms. P. Bhattacharya, Addl. AG, Mizoram
Ms. N. Bordoloi, Advocate

BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

06.03.2024

(*Vijay Bishnoi, CJ*)

The Hon'ble Supreme Court of India, in Special Leave to Appeal (Civil) No. 8519/2006 (*Union of India & Anr. Vs. State of Gujarat & Ors.*) along with other connected writ petitions and contempt petitions, took cognizance of a news

item published in "The Times of India", Ahmedabad, wherein the issue regarding encroachment of public land and unauthorised construction of religious structure on public land in the country was highlighted.

Taking cognizance of the same, the Hon'ble Supreme Court passed various orders from time to time and, ultimately, vide order dated 31.01.2018, the Special Leave Petition and other connected writ petitions were remitted to the respective High Courts for ensuring effective implementation of the orders passed by the Hon'ble Supreme Court from time to time. Pursuant to the said order passed by the Hon'ble Supreme Court, this *suo moto* writ petition was registered.

This Court has monitored the situation and has issued various orders from time to time directing the States of Assam, Nagaland, Mizoram and Arunachal Pradesh to ensure implementation of the orders passed by the Hon'ble Supreme Court regarding unauthorised construction of religious structures on public land. Various compliance reports have been filed in this *suo moto* writ petition from time to time by the respective learned counsel representing the States of Assam, Nagaland, Mizoram and Arunachal Pradesh.

Mr. H.K. Das, learned counsel appearing for the Gauhati High Court has produced a comparative chart wherein the steps taken by the States of Assam, Nagaland, Mizoram and Arunachal Pradesh have been highlighted. The said comparative chart is reproduced herein-under:

State of Mizoram

Sl. No.	District	Report submitted by	Whether any unauthorized religious construction
1	Aizwal	Deputy Commissioner	No.
2	Mamit	Deputy Commissioner	No.

3	Serchhip	Deputy Commissioner	No.
4	Lunglei	Deputy Commissioner	No.
5	Lawngtlai	Deputy Commissioner	No.
6	Kolasib	Deputy Commissioner	No.
7	Saitual	Deputy Commissioner	No.
8	Hnahthial	Deputy Commissioner	No.
9	Saiha	Deputy Commissioner	No.
10	Khawzawl	Deputy Commissioner	No.
11	Champhai	Deputy Commissioner	No.

State of Nagaland

Sl. No.	District	Report submitted by	Whether any unauthorized religious structure
1	Kohima	Deputy Commissioner/ Revenue Officer	No.
2	Phek	Deputy Commissioner	No.
3	Kiphire	Deputy Commissioner	No.
4	Mon	Deputy Commissioner	No.
5	Dimapur	Deputy Commissioner	No.
6	Wokha	Extra Assistant Commissioner	No.
7	Peren	Deputy Commissioner	No.
8	Zunheboto	Sub- Divisional Officer (Civil) HQ	No.
9	Tuensang	Extra Assistant Commissioner	No.
10	Longleng	Deputy Commissioner	No.
11	Mokokchung	Deputy Commissioner	No.

State of Arunachal Pradesh

Sl. No.	District	Report submitted by	Whether any unauthorized religious structure
1	Lower Siang	Deputy Commissioner	No.
2	Longding	Deputy	No.

		Commissioner	
3	Shiyomi	Deputy Commissioner	No.
		Commissioner	
4	Leparada	Deputy Commissioner	No.
		Commissioner	
5	Lower Subansiri	Deputy Commissioner	No.
		Commissioner	
6	Kamle	Deputy Commissioner	No.
		Commissioner	
7	Changlang	Deputy Commissioner	No.
		Commissioner	
8	West Siang	Deputy Commissioner	No.
		Commissioner	
9	Dibang Valley	Deputy Commissioner	No.
		Commissioner	
10	Namsai	Deputy Commissioner	No.
		Commissioner	
11	Kurung Kyume	Deputy Commissioner	No.
		Commissioner	
12	Lower Dibang Valley	Deputy Commissioner	No.
		Commissioner	
13	Siang	Deputy Commissioner	No.
		Commissioner	
14	Papum Pare	Joint Verification Committee	All the 22 religious structures found correct as per Policy.
15	Itanagar Capital	Joint Verification Committee	All the 78 religious structure found correct as per Policy.
16	Upper Subansiri	Joint Verification Committee	All the 13 religious structure found correct as per Policy.
17	East Siang	Joint Verification Committee	Out of 15 (fifteen) nos. of religious construction, 10 (ten) structures were removed and 5 (five) religious structures were relocated.
18	Pakke Kessang	Joint Verification Committee	All the 5 religious structures found correct as per Policy .
19	Lohit	Joint Verification Committee	2 religious structures recommended for regularization.
20	Tirap	Joint Verification	All the 15 religious structures

		Committee	found correct as per Policy.
21	Anjaw	Joint Verification Committee	All the 3 religious structures found correct as per Policy.
22	Kra Dadi	Joint Verification Committee	All the 2 religious structures found correct as per Policy.
23	Upper Siang	Joint Verification Committee	All the 6 religious structures found correct as per Policy.
24	East Kameng	Joint Verification Committee	All the 5 religious structure found correct as per Policy.
25	West Kameng	Joint Verification Committee	All the 16 religious structures found correct as per Policy.
26	Tawang	Joint Verification Committee	All the 5 religious structures found correct as per Policy.

State of Assam

Sl. No.	District	Report submitted by	Whether any unauthorized religious structure
1	Dhemaji	Joint Secretary, Revenue & D.M Department	Eviction completed.
2	Tinsukia	Joint Secretary, Revenue & D.M Department	Removed.
3	Lakhimpur	Joint Secretary, Revenue & D.M Department	Out of 93, 40 were regularized and others were removed.
4	Sivsagar	Joint Secretary, Revenue & D.M Department	Out of 27 unauthorized religious construction, 2 were regularized/ 1 falls under Archaeological and Historical site and others were removed.
5	Dibrugarh	Joint Secretary	Out of 59, 4 were regularized/ 7 relocated/ Civil Suit is pending against 2 construction and others were removed.
6	Dhubri	Joint Secretary, Revenue & D.M Department	Out of 200, 8 were regularized/ 42 were regularized and others were removed.
7	Udalguri	Joint Secretary,	2 were removed.

		Revenue & D.M Department	
8	Kamrup (M)	Joint Secretary, Revenue & D.M Department	4 were removed/ 65 evicted/ 247 nos. are under process for relocation.
9	Barpeta	Joint Secretary, Revenue & D.M Department	Notice served in 33 unauthorized construction/ 5 were regularized/ 2 evicted/ 72 are under process for allotment.
10	Bajali	Joint Secretary, Revenue & D.M Department	37 were evicted.
11	Golaghat	Joint Secretary, Revenue & D.M Department	2 were evicted.
12	Nagaon	Joint Secretary, Revenue & D.M Department	208 were evicted.
13	Bongaigaon	Joint Secretary, Revenue & D.M Department	No.
14	Goalpara	Joint Secretary, Revenue & D.M Department	3 were removed.
15	Hojai	Joint Secretary, Revenue & D.M Department	6 were removed/ 4 are prepared for eviction.
16	Majuli	Joint Secretary, Revenue & D.M Department	No.
17	Morigaon	Joint Secretary, Revenue & D.M Department	40 were evicted/ 36, eviction is under process.
18	Karimganj	Joint Secretary, Revenue & D.M Department	No.
19	Darrang	Joint Secretary, Revenue & D.M Department	5 evicted/ 6, allotment is under process/ 83, removal of part of the structure are under process.
20	Kokrajhar	Joint Secretary, Revenue & D.M Department	No.

21	Chirang	Joint Secretary, Revenue & D.M Department	No.
22	Baksa	Joint Secretary, Revenue & D.M Department	No.
23	Jorhat	Joint Secretary, Revenue & D.M Department	30 evicted/ 12 under process for removal.
24	Biswanath	Joint Secretary, Revenue & D.M Department	13 evicted/ 13 eviction is under process.
25	Sonitpur	Joint Secretary, Revenue & D.M Department	2, regularization is under process/ 4, action taken for eviction/ 24 removed.
26	Nalbari	Joint Secretary, Revenue & D.M Department	No.
27	Dima Hasao	Joint Secretary, Revenue & D.M Department	No.
28	South Salmara	Joint Secretary, Revenue & D.M Department	No.
29	Charaideo	Joint Secretary, Revenue & D.M Department	No.
30	Karbi anglong	Joint Secretary, Revenue & D.M Department	No.
31	Hailakandi	Joint Secretary, Revenue & D.M Department	12, regularization is under process/ 4 action taken for eviction/ 1 removed
32	Kamrup	Joint Secretary, Revenue & D.M Department	12, notice issued for eviction

Learned *amicus curiae* has submitted that as per the said chart, almost all the encroachments in the name of religious structures have either been removed or regularised as per the policy of the respective State Government.

However, some encroachments/constructions could not be removed on account of litigations pending in various courts.

Having gone through the said comparative chart, we are of the opinion that the purpose of the present *suo moto* writ petition has been fructified, hence, no further order is required to be passed.

However, the States of Assam, Nagaland, Mizoram and Arunachal Pradesh are directed to regularly monitor the situation and if any illegal encroachment/structure comes up, or is continuing in the name of religious structure, the same shall be removed in accordance with law. All the states shall also make endeavour to get the related litigations pending in various courts decided at the earliest.

With the above observations, this *suo moto* writ petition is disposed of.

JUDGE

CHIEF JUSTICE

Comparing Assistant