

GAHC010176322021



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

Case No. : WP(C)/6214/2021

KAILASH JALAN
S/O. LT. J.L. JALAN
R/O. CHLIHANAGAR
TINSUKIA
P.O. TINSUKIA
DIST. TINSUKIA
PIN-786125.

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
ENVIRONMENT AND FOREST DEPTT.
DISPUR
GUWAHATI
ASSAM
PIN-781006.

2:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HOFF
PANZABARI
GUWAHATI
PIN-781037
ASSAM.

3:THE CHIEF CONSERVATOR OF FOREST
EASTERN ASSAM CIRCLE
JORHAT
DIST. JORHAT
PIN-785001
ASSAM.

4:THE DIVISIONAL FOREST OFFICER

SIVASAGAR DIVISION (T)
SIVASAGAR
DIST. SIVASAGAR
PIN-785640
ASSAM.

5:DEPUTY COMMISSIONER
CHARAIDO
DIST. CHARAIDO
PIN-782445
ASSAM.

Advocate for : MR C BARUAH
Advocate for : SC
FOREST appearing for THE STATE OF ASSAM AND 4 ORS.

BEFORE
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

O R D E R

08.04.2024.

Heard Mr. B. Baruah, learned counsel for the petitioner. Also heard Mr. D. Gogoi, learned Standing Counsel, Forest Department, Assam for the respondents.

2) By filing the present Writ Petition, the writ petitioner is challenging the re-sale notice dated 01.10.2021, in respect of the Dilli River Stone Mining Permit Area C (II-A), issued by the Divisional Forest officer, Sivasagar Division for awarding of contract/permit.

3) It is brought to the notice of the Court by the parties that the petitioner has filed a representation on 01.02.2021, before the Principal Secretary, Government of Assam, Environment & Forest Department, Dispur, Guwahati, for

the said Mahal.

4) Mr. D. Gogoi, learned Standing Counsel, Forest Department, Assam submits that the settlement in favour of the petitioner in respect of the subject mining area was for the year 2013-2015 and as such the term has expired and therefore, the petitioner has no right whatsoever for further operation of the said Mahal. He however fairly and graciously submits that the representation filed by the petitioner is under consideration and despite notice for appearance being given to the petitioner, the petitioner has not appeared in the hearing.

5) Mr. B. Baruah, learned counsel for the petitioner submits that the petitioner is willing to appear before the respondent authorities and present his case.

6) In view of the aforesaid endorsement made by the learned counsel for the parties, this Court is of the view that for the interest of justice, this Writ Petition can be disposed of with a direction to the respondent authorities, more particularly, the respondent No.1, the Principal Secretary, Government of Assam, Environment & Forest Department, Dispur, Guwahati to dispose of the representation of the petitioner dated 01.02.2021 (Annexure-9 to the Writ petition), by affording opportunity to the petitioner within a period of two (2) months, from the date of receipt of the certified copy of this order.

7) With the aforesaid observation, this Writ Petition stands disposed of.

JUDGE

Comparing Assistant