

GAHC010197792023



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

Case No. : PIL(Suo Moto)/5/2023

XXXXXX XXXXX

VERSUS

1: IN RE- THE STATE OF ASSAM AND 4 ORS. REPRESENTED BY THE CHIEF SECRETARY, JANATA BHAWAN, DISPUR, GUWAHATI-781006

2:THE DISTRICT COMMISSIONER
GOALPARA P.O.-BALADMARI GOALPARA-783121

3:THE COMMISSIONER AND SECRETARY
ENVIRONMENT AND FOREST DEPARTMENT GOVERNMENT OF ASSAM
JANATA BHAWAN DISPUR GUWAHATI-781006

4:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HEAD OF
FOREST FORCE ASSAM ARANYA BHAWAN PANJABARI GUWAHATI-781037

5:THE DIVISIONAL FOREST OFFICER
GOALPARA DIVISION GEETANAGAR GOALPARA-78312

For the Petitioner(s) : Mr. T.J. Mahanta, Senior Advocate, assisted by Mr. A. Barua, Advocate.

For the Respondent(s) : Mr. P.N. Goswami, Additional Advocate General, Assam, assisted by
Mr. I. Kalita, Advocate.

- B E F O R E -
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE SUMAN SHYAM

11.03.2024
(Vijay Bishnoi, CJ)

This PIL petition is registered while taking cognizance of a letter dated

09.05.2023 issued by the residents of Choutara Naitara Beel and Chitalmari Bongaon Hills of Goalpara district raising a grievance that in the area concerned, certain illegal quarries are being operated by the persons in connivance with the official respondents of the State of Assam.

Pursuant to the notice issued by this Court, affidavit-in-opposition was filed on behalf of the respondent No.5, i.e. the Divisional Forest Officer, Goalpara Division, Goalpara, and in Paragraphs 5, 6 & 7 of the said affidavit, it is specifically stated that at present no quarry is being operated in the concerned area and no illegalities have been reported in the said area. Paragraphs 5, 6 & 7 of the affidavit-in-opposition read as under:-

“5. That after the institution of the instant PIL, a report was sought from the jurisdictional Divisional Forest Officer, Goalpara who then submitted a report indicating there was only one operational mahal i.e., Chitalmari Stone Quarry, which was settled in favor of Sri Bono Das vide an online bidding process and after due clearance from District Impact Assessment Authority and the said quarry is now closed after expiry of the mining contract period on 23.05.2023.

6. That with regard to the Choutara Naitara Beel, it is most humbly submitted that there is no quarry allotted in the said area, no illegalities have been reported in the past and currently no mining activities are allotted in the said area as indicated in the aforesaid report dated 12.10.2023.

7. That therefore it is most humbly submitted that as on today there is no authorized mining activity being carried on in any of the two concerned sites as alleged and in the backdrop of the facts stated herein above and taking into account the report submitted by the concerned jurisdictional Divisional Forest Officer, this Hon’ble Court may consider closing the instant Public Interest Litigation.”

Taking into consideration the above stand of the respondent No.5, we are of the opinion that the purpose of registering this PIL has been fructified. Therefore, no further order is required to be passed in this PIL petition. However, the respondent No.5 and other respondents may ensure that no illegal activities be operated in the area concerned in future.

With these observations, this PIL petition is disposed of.

JUDGE

CHIEF JUSTICE

Comparing Assistant