

GAHC010244352023



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

Case No. : WP(C)/6307/2023

BOLAI ROY
S/O- LATE RANENDRA KUMAR ROY ,
R/O- VILLAGE SHIBERBOND,
P.O- THALIGRAM,
DIST- CACHAR, ASSAM,

PROPRIETOR OF-
M/S BHOLANATH STONE CRUSHER,
SHIBERBOND, UDHARBOND

DIST- CACHAR, ASSAM,

VERSUS

THE STATE OF ASSAM AND 4 ORS
THROUGH THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, FOREST AND ENVIRONMENT DEPARTMENT
DISPUR, GUWAHATI- 781006.

2:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST

ASSAM
ARANYA BHAWAN
PANJABARI ROAD
GUWAHATI
ASSAM- 781037.

3:THE CHIEF CONSERVATOR OF FOREST
SOUTHERN ASSAM CIRCLE
SILCHAR
DIST- CACHAR
ASSAM

PIN-788001

4:THE DIVISIONAL FOREST OFFICER
CACHAR DIVISION
SILCHAR

DIST- CACHAR
ASSAM
PIN-788001

5:THE RANGE FOREST OFFICER
UDHARBOND RANGE
VILL AND P.O- UDHARBOND
DIST- CACHAR
ASSAM
PIN-78803

Advocate for the Petitioner : MR. R MAJUMDAR

Advocate for the Respondent : SC, FOREST

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

05-02-2024

Heard Ms. U. Nanda, learned counsel appearing on behalf of Mr. R. Mazumdar, learned counsel for the petitioner. Also heard Mr. D. Gogoi, learned Standing Counsel, Forest Department.

The petitioner has filed the present case, on the ground that the respondents are not renewing his permit for running a Stone Crusher Unit.

The petitioner's counsel submits that this Court, vide order dated 01.09.2023 passed in WP(C) No. 1476/2023, had directed the respondents to consider the petitioner's application for renewal of his license in terms of the guidelines notified by notification dated 29.01.2003. However, though the petitioner had submitted hard copies of the application, the same has not been considered by the respondent authorities.

Mr. D. Gogoi, learned Standing Counsel for the Forest Department submits that the method of submitting an application for renewal have now been changed, inasmuch as, the earlier applications were made by submitting hard copies of the application form. However, the applications have now to be submitted online. He submits that though the online portal is closed as on date, the same can be opened for the petitioner to submit his application form for renewal, on the dates that may be fixed by this Court.

In view of the submissions made by the learned Standing Counsel for the Forest Department, Mr. D. Gogoi, the petitioner is given the liberty to submit his application for renewal of the Stone Crusher Unit through the online portal, in terms of the Government Notification dated 29.01.2003 on 8th & 9th February, 2024, between 10:00 am and 5:00 p.m. The application to be made by the petitioner should thereafter be considered by the Circle Level Permit Committee and the decision taken should be communicated to the petitioner. The decision should be taken by the Circle Level Permit Committee within a period of 10 (ten) days, from the date of receipt of the application made by the petitioner.

The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant