GAHC010172152026

2026:GAU-AS:15322

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

Case No. : WP(C)/4449/2026

SOFULUDDIN SHEIKH
S/O LATE SAMSEL HOQUE VILL. AJAD NAGAR, W/NO. 19 P.O. BALADMARI, P.S. GOALPARA DIST. GOALPARA, ASSAM PIN 783101

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM, ENVIRONMENT AND FOREST DEPARTMENT, DISPUR, GUWAHATI- 781006.

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

3:THE AUTHORISED OFFICER-CUM-DIVISIONAL FOREST OFFICER
GOALPARA FOREST DIVISION (TERRITORIAL)
GOALPARA
P.O. BALADMARI
P.S. AND DIST. GOALPARA
ASSAM
PIN 783121.

4:THE RANGE FOREST OFFICER
GOALPARA SADAR RANGE
GOALPARA
P.O. BALADMARI
P.S. AND DIST. GOALPARA
ASSAM

PIN 783121.

5:THE DISTRICT COMMISSIONER
GOALPARA
P.O. AND DIST. GOALPARA
ASSAM
PIN 783101.

6:THE CIRCLE OFFICER
MATIA CIRCLE
P.O. MATIA
DIST. GOALPARA
ASSAM
PIN 78312

Advocate for the Petitioner : MR. S B LASKAR, MR. H A LASKAR,MS D DUTTA,MS. S KHATUN

Advocate for the Respondent : GA, ASSAM, SC, FOREST

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

12.10.2026

1. Heard Mr. S. B. Laskar, the learned counsel for the petitioner. Also heard Mr. D. Gogoi, learned Standing Counsel for the Forest Department, Assam.

2. The present writ petition is filed assailing an order dated 18.07.2026 passed by the Divisional Forest Officer, Goalpara Forest Division cum Authorized Officer in Confiscation Case No. 10/2026-2027 under the Assam Forest Regulation, 1891. Such an order is an interim order in the aforesaid Confiscation proceeding.

3. By the aforesaid order, approximately, 38 quintals of Katuri seized from the petitioner's establishment have been confiscated and directed to be

auctioned within seven days. By the said order, the petitioner's NTFP Depot Licence was revoked; permission dated 18.05.2026 for extraction and transportation was also revoked and the establishment was also sealed.

4. It is the case of the petitioner that the petitioner has been carrying on the MFP/NTFP business from an authorized depot and was holding permission dated 18.05.2026 for transportation of 800 Qtl of Katuri followed by the requisite transit permit.

5. On 14.06.2026, the Forest official inspected the depot and seized approximately 38 Qtl of Katuri, which is reflected in the seizure list.

6. The confiscation proceeding was initiated alleging that the petitioner's establishment was engaged in possessing Katuri within Raikhushni proposed Reserved Forest.

7. According to the petitioner, the depot is run from a myadi patta land, however, the respondent authority in the affidavit, took a stand that the aforesaid land was not a patta land but falls within the Raikhushni proposed Reserved Forest.

8. At this stage, the learned counsel for the petitioner submits that as regards the occupation of forest land is a separate subject matter, and the decision of the respondents holding the same to be within the reserved forest, shall be challenged by way of a separate proceeding. However, it is prayed that as the seized Katuri was admittedly legally procured under a licence including the transportation licence, the same may be directed to be released to the petitioner, keeping the other questions as regards the validity of the depot being run from a reserved forest land open.

9. Mr. Gogoi, learned Standing Counsel for the Forest Department on instruction submits that the seized materials were admittedly under licence and therefore, a conscious decision has been taken to release the aforesaid 38 qtl of Katuri seized from the petitioners depot, forthwith subject to petitioner approaching the competent Divisional Forest Officer, who seized the aforesaid Katuri.

10. In view of the aforesaid, keeping the question of the establishment of the depot allegedly over a reserved forest land open, which may be adjudicated in an appropriate petition that may be filed by the petitioner, it is directed that the seized Katuri of 38 qtl, seized under the order dated 18.07.2026, be released forthwith subject to the petitioner approaching the authority.

11. Accordingly, this writ petition stands disposed of.

JUDGE

Comparing Assistant