

GAHC010104862018



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

PIL (Suo Moto) No.3 of 2018

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VERSUS

- 1: IN RE- THE STATE OF ASSAM AND 7 ORS.
REP. BY THE CHIEF SECRETARY, JANATA BHAWAN, DISPUR, GUWAHATI
- 2:THE COMMISSIONER AND SECRETARY ENVIRONMENT AND FOREST
DEPTT. GOVT. OF ASSAM H-BLOCK 2ND FLOOR JANATA BHAWAN
DISPUR GUWAHATI
- 3:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST
ARANYA BHAWAN PANJABARI GUWAHATI
- 4:THE DIVISIONAL FOREST OFFICER
DIGBOI DIVISION P.O. DIGBOI DIST. TINSUKIA
- 5:THE DIRECTOR GENERAL OF POLICE
ASSAM DR. B.K. KAKATI ROAD ULUBARI GUWAHATI
- 6:THE SUPERINTENDENT OF POLICE TINSUKIA OFFICE OF THE
SUPERINTENDENT OF POLICE BORGURI TINSUKIA
- 7:THE DEPUTY COMMISSIONER TINSUKIA OFFICE OF THE DEPUTY
COMMISSIONER BORGURI TINSUKIA
- 8:THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM
MINES AND MINERALS DEPARTMENT GOVT. OF ASSAM JANATA BHAWAN
BLOCK-A 4TH FLOOR DISPUR GUWAHATI
- 9:THE SUPERINTENDENT OF POLICE
DIBRUGARH ASSAM.
- 10:THE NORTH EAST COALFIELD COAL INDIA LTD. BLACK DIAMOND
TOWER G. S. ROAD ABC POST OFFICE CHRISTIAN BASTI GUWAHATI-5
ASSAM.

11:THE STATE OF ARUNACHAL PRADESH REPRESENTED BY ITS CHIEF SECRETARY ITANAGAR ARUNACHAL PRADESH.

12:THE DEPUTY COMMISSIONER DIBRUGARH ASSAM.

13:SRI MAUSOM BARUAH
SON OF SHRI BINOD KUMAR BARUAH
RESIDENT OF GANDHI NAGAR MAKUM P.O. AND P.S. MAKUM
DISTRICT- TINSUKIA ASSAM PIN-786125.

14:THE ARANYA SURAKSHA UNDIVIDED SIVSAGAR DISTRICT
COMMITTEE REPRESENTED BY ITS PRESIDENT BIRAJ GOGOI
SON OF LATE NAGEN GOGOI VILLAGE-MICHAJAN P.O.-BARHAT
DISTRICT - CHARAIDEO ASSAM PIN-785 693

For the Petitioner : Mr. H.K. Das, Standing Counsel, Gauhati High Court.
Mr. A. Boro, Advocate.

For the Respondents : Ms. M. Bhattacharjee, Additional Senior Government Advocate, Assam for
respondent Nos.1, 5, 6, 7, 8, 9 & 12.

: Mr. K.P. Pathak, Standing Counsel, Forest Department for respondent Nos.2, 3
& 4.

: Mrs. B. Dutta, Senior Government assisted by Mr. A.M. Dutta, Advocate for
respondent No.10.

: Mr. B.D. Goswami, Additional Advocate General, Arunachal Pradesh for
respondent No.11.

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

16.03.2023

Taking note of a report appearing in the Assamese newspaper, namely, '*Niyomiya Barta*', pertaining to the illegal mining going on in the historic Tipam field as well as the incidents of encroachment of the Tipam hill area, Late Nilay Dutta, Senior Advocate had written a letter inviting the attention of this Court to such events, based on which, the present PIL was registered and reports were called for from the concerned authorities.

We find that there are reports dated 17.12.2022 and 20.02.2023 submitted by the jurisdictional Divisional Forest Officer. A perusal of the reports go to show that the incidents of illegal mining has since been stopped due to the intervention of the departmental authorities.

What is, however, not clear from the materials on record is as to whether, any action has been taken by the District Administration/Revenue Authorities pertaining to the allegation of illegal encroachment of Tipam hill.

Ms. M. Bhattacharjee, learned Additional Senior Government Advocate, Assam prays for and is granted 6(six) weeks' time to obtain a report from the Revenue Authorities of the district on the allegation of encroachment of Tipam hill and place the same before this Court.

Let the matter be listed accordingly.

JUDGE

CHIEF JUSTICE

Comparing Assistant