

GAHC010104862018



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

Case No. : PIL(Suo Moto)/3/2018

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VERSUS

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 petitioners : Mr. H.K. Das, Standing Counsel, GHC

For respondents : Mr. D. Saikia, Advocate General

Assisted by Ms. R. Barua, Advocate

: Mr. B. Choudhury,

Standing Counsel, Forest

: Ms. M. Bhattacharjee,

Addl. Senior Govt. Advocate, Assam

: Mr. M.Z. Ahmed, senior Advocate

Assisted by Mr. A.M. Dutta, Advocate for

Coal India Ltd.

– B E F O R E –

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUMAN SHYAM

15-06-2023

The central issue involved in this PIL is pertaining to the illegal mining activities taking place in the various locations under Digboi Forest Division.

Mr. H.K. Das, learned counsel for the Gauhati High Court has invited our attention to the fact that in the process of illegal mining activities, the monuments pertaining to Ahom dynasty are also being destroyed/encroached by persons with vested interest. The aforesaid issue had also been flagged in the letter dated

05.04.2018 issued by Late Nilay Dutta, Senior Advocate of this Court, based on which this PIL was registered. Therefore, it prima facie appears to us that illegal encroachment of the Heritage sites related to the Ahom Dynasty including those of Chaolung Sukapha, the father of Ahom kingdom, is going on unabated due to the absence of any protective steps taken by the State Government.

Situated thus, Mr. D. Saikia, learned Advocate General of Assam is requested to obtain instructions and apprise this Court on the next date fixed as to whether, the State is prepared to come up with a comprehensive plan for protection of the monuments pertaining to Ahom dynasty, including the coal mines.

Let this matter be listed again after four weeks.

The name of Mr. D. Saikia, learned Advocate General of Assam shall henceforth be reflected in the cause list.

JUDGE

CHIEF JUSTICE

Comparing Assistant