

GAHC010005282020



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

Case No. : PIL 13/2020

1:SUMI KERAI AND 14 ORS.
W/O. LT. BUDHU MALAR, R/O. NO.-2 RAJAPUKHURI, GELAJAN, P.O. AND
P.S. URIAMGHAT, DIST. GOLAGHAT, ASSAM, PIN-785601.

2: GOLMOHAR BEGUM
W/O. MD. HASEN ALI
R/O. NO.-2 RAJAPUKHURI GELAJAN
P.O. AND P.S. URIAMGHAT DIST. GOLAGHAT ASSAM PIN-785601.

3: PREMSON JORO
S/O. HORU JORO
R/O. NO.-2 RAJAPUKHURI GELAJAN
P.O. AND P.S. URIAMGHAT DIST. GOLAGHAT ASSAM PIN-785601.

4: LIBI HEMRON
S/O. LT. JAKIREYA HEMRON
R/O. NO.-2 RAJAPUKHURI GELAJAN P.O. AND P.S. URIAMGHAT
DIST. GOLAGHAT ASSAM PIN-785601.

5: DEBEN MURAH
S/O. LT. EATUBA MURAH
R/O. NO.-2 RAJAPUKHURI GELAJAN P.O. AND P.S. URIAMGHAT
DIST. GOLAGHAT ASSAM PIN-785601.

6: RAJESH MUNDA
S/O. MIRIMIYA MUNDA
R/O. NO.-2 RAJAPUKHURI GELAJAN P.O. AND P.S. URIAMGHAT
DIST. GOLAGHAT ASSAM PIN-785601.

7: BINUD MUNDA
D/O. LT. JK SON MUNDA
R/O. NO.-2 RAJAPUKHURI GELAJAN P.O. AND P.S. URIAMGHAT
DIST. GOLAGHAT ASSAM PIN-785601.

8: RAHILA LAGUN
S/O. JOSAP BANDRA



R/O. NO.-2 RAJAPUKHURI GELAJAN P.O. AND P.S. URIAMGHAT
DIST. GOLAGHAT ASSAM PIN-785601.

9: AMIT TUDU

S/O. LT. JURU TUDU

R/O. NO.-2 RAJAPUKHURI GELAJAN P.O. AND P.S. URIAMGHAT
DIST. GOLAGHAT ASSAM PIN-785601.

10: UME SALMA BEGUM

D/O. ISMAIL ALI R/O. NO.-2 RAJAPUKHURI GELAJAN

P.O. AND P.S. URIAMGHAT DIST. GOLAGHAT ASSAM PIN-785601.

11: PURBEN MAL

S/O. LADO MOL

R/O. NO.-2 RAJAPUKHURI GELAJAN P.O. AND P.S. URIAMGHAT
DIST. GOLAGHAT ASSAM PIN-785601.

12: MARY MAL

D/O. MONSUK LAGUN

R/O. NO.-2 RAJAPUKHURI GELAJAN P.O. AND P.S. URIAMGHAT
DIST. GOLAGHAT ASSAM PIN-785601.

13: MD. HASEM ALI

S/O. LT. ABDUL HAKIM

R/O. NO.-2 RAJAPUKHURI GELAJAN P.O. AND P.S. URIAMGHAT
DIST. GOLAGHAT ASSAM PIN-785601.

14: MS FIROZA BEGUM

R/O. NO.-2 RAJAPUKHURI GELAJAN P.O. AND P.S. URIAMGHAT
DIST. GOLAGHAT ASSAM PIN-785601.

15: SUBHON CH. KALITA

S/O. LT. SUNABER KALITA

R/O. NO.-2 RAJAPUKHURI GELAJAN P.O. AND P.S. URIAMGHAT
DIST. GOLAGHAT ASSAM PIN-785601

VERSUS

1:THE STATE OF ASSAM AND 5 ORS.

REP. BY THE SECRETARY TO THE GOVT. OF ASSAM DEPTT. OF
ENVIRONMENT AND FOREST.

2:THE POLLUTION CONTROL BOARD REP. BY ITS MEMBER SECRETARY
BAMUNIMAIDAN GUWAHATI-781021.

3:THE DY. COMMISSIONER GOLAGHAT ASSAM

4:THE EXECUTIVE ENGINEER REGIONAL OFFICE GOLAGHAT POLLUTION
CONTROL NOARD ASSAM COLLEGE TINIALI NEAR CIRCUIT HOUSE

GOLAGHAT ASSAM.

5:THE SUB-DIVISIONAL OFFICER (CIVIL) DHANSIRI SARUPATHAR DIST.
GOLAGHAT ASSAM 5. DIVISIONAL FOREST OFFICER GOLAGHAT
DIVISION DIST. GOLAGHAT ASSAM

6:M/S DOYANG STONE CRUSHING INDUSTRIES REP. BY PRAKASH SWAMI
VILL. NO.2 RAJAPUKHURI P.O. SARUPATHAR DIST. GOLAGHAT ASSAM

For the Petitioners : Mrs. B. Chakraborty, Advocate.
Mr. P. Boiragi, Advocate.

For the Respondents : Mr. T.C. Chutia, Additional Senior Government Advocate,
Assam for respondent Nos.1, 3 & 5.
Mr. P.J. Phukan, Standing Counsel, Pollution Control
Board, for respondent Nos.2 & 4.
Mr. R.K. Talukdar, Advocate for respondent No.6.

- B E F O R E -

**HON'BLE THE CHIEF JUSTICE MR. AJAI LAMBA
HON'BLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

**Date : 10-02-2020
(Ajai Lamba, C.J.)**

The issue raised by virtue of this public interest litigation is recorded in order dated 31.01.2020.

Order dated 31.01.2020 is reproduced hereunder for brevity sake:-

“Mrs. B Chakraborty, learned counsel for the petitioners has contended vehemently that as many as 15 residents of the area of Gelajan of Golaghat district have preferred this petition in public interest to point out that respondent No.6 is running a stone crusher giving rise to noise pollution and dust pollution, much beyond the permissible limits thereby causing annoyance amongst the residents of the area. It has been pointed out on the strength of Annexure-A collectively that against permissible limits of 600 small particulate material, the stone crusher is emitting 2392 units. On the basis of a report dated 5.8.2019 compiled by Pollution Control Board, Assam, vide order dated 29.8.2019 it was directed that the operation of the stone crusher be stopped for the reasons that no boundary wall has been constructed; no noise pollution control device has been installed; no proper water sprinkling system

has been installed to control air pollution and noise level was found to be exceeding permissible limits.

2. *It has been projected by Mrs. B Chakraborty that despite such order having been passed by an authority having competent jurisdiction, the stone crusher is still operating. Such continued operation is likely to cause asthma and other respiratory related medical complications.*

3. *List on 10.2.2020.*

4. *In the meantime, we hereby direct that respondent No.6 be served through Sub-Divisional Officer (Civil), Dhansiri.*

We hereby call upon the Deputy Commissioner, Golaghat and Executive Engineer of Pollution Control Board, Regional Office at Golaghat to file their response as to under what circumstance despite order dated 29.8.2019 (supra), the stone crusher has been allowed to operate without installing pollution control measures.

5. *It is made clear that in case reply is not filed by the next date of listing, we shall be constrained on imposing cost."*

2. Learned counsel for the State has filed affidavit sworn by Smti. Rita Sarania on 07.02.2020 depicting the fact that operation of the Stone Crusher has been stopped.

Communication received from Sub-Divisional Officer (Civil) Dhansiri, Sarupathar also states that the crushing activity has been stopped on ground.

3. Learned counsel for the petitioners, however, states that in fact stone crushing activity is going on. The stop order has only been issued in paper.

4. We deem it appropriate to dispose of this petition, however, with direction to Sub-Divisional Officer (Civil), Dhansiri and Deputy Commissioner, Golaghat to ensure that the Stone Crusher does not resume operation at any hour of the day or night, unless pollution control measures are installed and permission to operate the Stone Crusher is given by the Pollution Control Board. Inspection, including at odd hours would be conducted so as to ensure compliance of this order.

5. It is made clear that in case the needful is not done and the matter is brought to the notice of the Court, the Court would contemplate initiating proceedings against the

Officers found responsible for allowing stone crushing without installation of pollution control measures.

6. With the above observations and directions, public interest litigation stands disposed of.

JUDGE

CHIEF JUSTICE

Comparing Assistant

