

GAHC010027692023



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

Case No. : PIL/18/2023

1: PRAMOD KALITA AND 2 ORS

S/O UTTAM KALITA, BY OCCUPATION-CATTLE FARMER, R/O VILL-CHAKARDO, NEAR DEEPOR BEEL RANGE OFFICE, P.O.-AZARA, DIST-KAMRUP (M), ASSAM-781017

2: SONESH TERON

S/O LATE BINAN TERON BY OCCUPATION-FARMER R/O VILL-PAMOHI P.O. AND P.S.-GARCHUK DIST-KAMRUP(M) ASSAM-781035

3: DIPAK TERANG

S/O LATE RADHARAM TERANG BY OCCUPATION-SELF BUSINESS R/ OVILL-PAMOHI P.O. AND P.S.-GARCHUK DIST-KAMRUP (M) ASSAM-78103

VERSUS

1: THE UNION OF INDIA AND 17 ORS REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA, MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, INDIRA PARYAVARAN BHAWAN, JORBAGH ROAD, NEW DELHI-110003

2:THE MINISTRY OF INDIAN RAILWAYS REPRESENTED BY ITS SECRETARY RAIL BHAWAN HEAD QUARTERS 1 RAISINA ROAD NEW DELHI

3:MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE NORTH EASTERN REGIONAL OFFICE LAW-U-SIB LUMBATNGEN NEAR MTC WORKSHOP SHILLONG-7930211

4:THE STATE OF ASSAM REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM ENVIRONMENT AND FOREST DEPARTMENT DISPUR GUWAHATI-781006

5:THE CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM REPRESENTING THE COMMITTEE APPOINTED BY THE NATIONAL GREEN TRIBUNAL KOLKATTA EAST ZONE (TO MONITOR ACTIVITIES IN DEEPOR BEEL AREA WITH SPECIFIC TOR) DISPUR SECRETARIAT COMPLEX

GUWHAATI-6

6:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HEAD OF
FOREST FORCE H-BLOCK 2ND FLOOR JANATA BHAWAN DISPUR
GUWAHATI-781006 ASSAM

7:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS (WILDLIFE)
H-BLOCK 2ND FLOOR JANATA BHAWAN DISPUR GUWHAATI-781006
ASSAM

8:THE COMMISSIONER AND SECRETARY GUWAHATI MUNICIPAL
ADMINISTRATION GUWAHATI

9:THE GUWHAATI MUNICIPAL CORPORATION
REPRESENTED BY ITS CHAIRMAN GUWAHATI

10:THE GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER BHANGAGARH
GUWAHATI

11:STATE BOARD FOR WILDLIFE REPRESENTED BY ITS CHAIRMAN
DISPUR SECRETARIAT COMPLEX GUWAHATI-781006

12:THE NORTH EASTERN FRONTIER RAILWAY REPRESENTED BY ITS
CHIEF GENERAL MANAGER HEAD QUARTERS MALIGAON GUWAHATI

13:THE ASSAM STATE POLLUTION CONTROL BOARD
REPRESENTED BY ITS SECRETARY GUWAHATI

14:CHIEF GENERAL MANAGER NORTH EASTERN FRONTIER RAILWAYS
MALIGAON GUWAHATI ASSAM

15:THE ASSAM TOURISM DEVELOPMENT CORPORATION
REPRESENTED BY ITS DIRECTOR GUWAHATI

16:THE DEPUTY COMMISSIONER
KAMRUP (M) GUWAHATI

17:CENTRAL WETLAND REGULATORY AUTHORITY REPRESENTED BY
PCCF AND HOFF ASSAM ARANYA BHAWAN PANJABARI GUWAHATI-
781037

18:THE SECRETARY TO THE GOVT. OF ASSAM DEPARTMENT OF WATER
RESOURCES DISPUR GUWAHATI-78100

For the Petitioner(s) : Mr. D.K. Das, Advocate.
Mr. H. Betala, Advocate.

For the Respondent(s) : Mr. S.K. Medhi, Central Govt. Counsel for respondent Nos.1 & 3.
: Mr. B. Chakravarty, Central Govt. Counsel for respondent Nos.2, 12 &
14.

: Mr. K.P. Pathak, Standing Counsel, Forest Department for respondent Nos.4, 6, 7 & 17.

: Mr. D. Nath, Senior Govt. Advocate, Assam for respondent Nos.5, 11, 15 & 16.

: Mr. P. Nayak, Standing Counsel, GMDA, GMC & PWD Department for respondent Nos.8, 9 & 10.

: Mr. S. Barua, Standing Counsel, Pollution Control Board for respondent No.13.

: Mr. R.M. Das, Standing Counsel, Water Resources Department for respondent No.18.

- B E F O R E -

**HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE SUMAN SHYAM**

06.02.2025

(Vijay Bishnoi, CJ)

It is submitted by Mr. D.K. Das, learned counsel for the petitioners that the Hon'ble Supreme Court, vide order dated 11.12.2024, passed in WP(C) No.304/2018 issued a direction to certain High Courts, including the Gauhati High Court, to register a *suo moto* PIL petition, while treating the affidavit filed in the above-referred writ petition by Dr. A. Duraisamy, Scientist 'F' and Member Secretary, Central Wetland Regulatory Authority, as a *suo moto* PIL petition.

There is nothing on record to suggest that pursuant to the said direction given by the Hon'ble Supreme Court on 11.12.2024, any *suo moto* PIL is registered or not.

The Registry is directed to verify the same and place it on record.

At this stage, Mr. P. Nayak, learned counsel appearing for the Public Works Department submits that he has filed an affidavit pursuant to the direction given by this Court on 29.07.2024, wherein it was mentioned that some earth filling and other construction activities are being carried out in the Deepor Beel area and, in relation to that, the GMDA has already raised concern

with the Chief Engineer, PWD. In response to the same, the Executive Engineer, PWD (Roads) has communicated that since the project is not covered under the EIA Notification of 2006, there is no requirement for seeking environment clearance and clearance from the Principal Chief Conservator of Forest (Wildlife) and Chief Wildlife, Assam. It is further submitted that the earth filling or other construction activities are being carried out for the proposed project of elevated corridor near Dharapur Tiniali.

Today, Mr. Nayak, on instructions, has submitted that since the project for which the earth filling and other construction activities are carried out is now cancelled, therefore, temporary earth filling and other activities will be stopped very soon. It is stated that as per his instructions, around 6(six) to 8(eight) weeks will be required for removing the temporary earth filling and other construction activities.

Taking into consideration the above submissions made by Mr. Nayak, we direct the Public Works Department to file an affidavit to the effect that the earth filling and the other construction activities in the Deepor Beel area will be removed by the next date of hearing of this case.

Registry to list this matter subject to availability of this Bench.

In the meantime, Mr. D. Nath, learned Senior Government Advocate, Assam may file an affidavit in terms of the order passed by this Court on 29.07.2024 in this PIL.

JUDGE

CHIEF JUSTICE

Comparing Assistant