

GAHC010179582021



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

Case No. : PIL/70/2021

ARUN NARZARY
S/O HARICHARAN NARJARI,
VILL. BAHADUR ADARSHA GAON,
P.O .MAJBAT, P.S MAJBAT,
DIST. UDALGURI, ASSAM.

VERSUS

THE BODOLAND TERRITORIAL COUNCIL AND 4 ORS
REPRESENTED BY THE PRINCIPAL SECY. TO THE BODOLAND
TERRITORIAL COUNCIL,BAKSA, (BTAD) ASSAM.

2:PRINCIPAL SECY. TO THE BODOLAND TERRITORIAL COUNCIL

BAKSA (BTAD) ASSAM

3:THE DIVISIONAL FOREST OFFICER

DHANSIRI FOREST DIVISION UDALGURI 784509
ASSAM.

4:THE DEPUTY COMMISSIONER

UDALGURI BTAD ASSAM.

5:KRISHNA NARZARY

S/O LATE TOREN NARZARY
VILL. DAKHIN NAOHERUA
P.O. PATHAKPUR
DIST. UDALGURI
BTAD (ASSAM)
PIN 78450

For the petitioner : Mr. D. Gogoi, Advocate
For the respondents : Ms. R.B. Bora, S.C., BTC
For respondent Nos.1, 2, 4
Mr. D. Gogoi, S.C., Forest
For respondent No.3
Mr. M. Kalita, Advocate for
Respondent No.5

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

10-02-2025

(Vijay Bishnoi, C.J.)

This PIL petition is filed by the petitioner essentially raising a grievance against the contractor, Krishna Narzary, alleging that he indulged in illegal mining out of the scope of the contract granted to him for collecting stones, sand and gravel from Rowta Sand & Gravel Mahal. Later on, the scope of the PIL was extended and the State Government was directed to frame comprehensive guidelines to check the illegal mining in the State of Assam.

Mr. D. Gogoi, learned Standing Counsel, Forest appearing for the State made a statement before this Court on 13.05.2024 that the guidelines had been framed and they were already in place.

Today, Mr. D. Gogoi submits that for the purpose of restraining the illegal mining in Assam, the Government of Assam has already drafted a new minor mineral rules titled as "The Assam Minor Mineral Concession Rules, 2024" and the same will be implemented as soon as it is approved in accordance with law. It is also submitted that in the new rules several provisions have been made to stop illegal mining in the State of Assam and it is expected that those provisions will take care of the menace of illegal mining. Mr. D. Gogoi prays for some time

to file an additional affidavit to this effect.

It is to be noticed that in the inspection report prepared by the Additional Principal Chief Conservator of Forests (Administration & Vigilance) in the office of the Principal Chief Conservator of Forests and Head of Forests Force, Assam, it is clearly reflected that the allegations levelled against the erring contractor, against whom essentially this PIL is filed, are found to be true. The said report has also been taken into consideration by this Court on 17.02.2023.

On a pointed query, Mr. Gogoi submits that no action has been taken against the said contractor because by the time when this PIL was filed and notices were issued to the respondents, the contract period had been over.

It is very strange that though the respondents have found that the contractor indulged in illegal mining, no panel action has been taken against him and the plea taken for not taking any action against the contractor is that the contract period has already been over.

The respondent authorities are directed to clarify whether under the existing minor mineral rules or the guidelines there is any provision for taking action against the erring contractor, who has flouted the conditions of the lease or has illegally extracted the minor minerals out of the scope of the contract, or not.

List after three weeks.

JUDGE

CHIEF JUSTICE

Comparing Assistant