

GAHC010033122024



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

Case No. : PIL/14/2024

NORTH EAST ECO DEVELOPMENT SOCIETY
REPRESENTED BY THE SECRETARY SRI BISWAJIT SAIKIA, AGED ABOUT
42 YEARS, S/O- LATE GOPAL SAIKIA, R/O- BASISTHA, GANESH NAGAR,
HOUSE NO. 31, BASISTHA CHARIALI PATH BYE LANE NO.7, P.O. AND P.S.
BASISTHA, GUWAHATI- 781029, DISTRICT- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM, FOREST AND ENVIRONMENT DEPARTMENT,
DISPUR, GUWAHATI-06

2:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
DISPUR
GUWAHATI-06

3:THE CHIEF EXECUTIVE OFFICER
ASSAM STATE DISASTER MANAGEMENT AUTHORITY
ANCILLARY BLOCK
JANATA BHAWAN
DISPUR
GUWAHATI-06

4:THE DIVISIONAL FOREST OFFICER
EAST KAMRUP DIVISION
BASISTHA GUWAHATI-2

For the petitioner : Mr. K.N. Choudhury, Sr. Advocate
Mr. S.U. Ahmed, Advocate

For the respondents : Mr. D. Saikia, A.G., Assam
Ms. P. Barua, Advocate
Ms. N. Bordoloi, S.C., Revenue
Ms. S. Sarma,
Jr. Govt. Advocate, Assam

– B E F O R E –

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

17-03-2025

(Vijay Bishnoi, C.J.)

Pursuant to the direction given by this Court on 18.12.2024, an affidavit is filed on behalf of the Government of Assam, Department of Housing and Urban Affairs through its Secretary wherein it is stated that the work for preparation of a GIS-based Comprehensive Drainage Master Plan and Detailed Report is in progress. It is also stated that currently, the work related to the topographical survey and detail inventory of the existing storm water drain for preparation of the Master Plan in consultation with all the concerned departments and preparation of the Detailed Project Report for the Bahini river sub-basin is in progress. It is further stated in the said affidavit that a revised Inception Report was submitted by the consultant on 26.12.2024 and the same has been circulated to all the stakeholders for views and comments.

Mr. K.N. Choudhury, learned senior counsel, who has been engaged as Amicus Curiae in this PIL petition, has submitted that some suggestions have

been offered by a retired I.A.S. officer, who was the Chief Executive Officer of the Guwahati Metropolitan Development Authority (GMDA). The said suggestions are produced before this Court by Mr. K.N. Choudhury and the same are also taken on record.

Copy of the said suggestions and views is also supplied to the learned Advocate General.

In those suggestions, mainly it is suggested that hill cutting permission and building permission in the low lying areas be not issued for a period of at least three years or till effective steps are taken to tackle the flood problem in Guwahati. It is also suggested that all the reserve forests within greater Guwahati should be made encroachment free and massive plantation drives should be taken by the forest department. It is further suggested that a survey be conducted in respect of all the non-miyadi patta lands and no big structure should be allowed on those lands.

It is highlighted by Mr. K.N. Choudhury and Mr. D. Saikia that hill cutting is one of the reasons for flood problem in Guwahati. It is contended that though the land is required in connection with construction purpose etc., rampant hill cutting is to be checked and stopped.

We hope that the suggestions and views offered by the above-referred retired I.A.S. officer, who was the Chief Executive Officer of the GMDA, shall be taken into consideration by the State Government objectively while preparing the Master plan as suggested in the latest affidavit.

At the same time, we request the learned Advocate General of the State to place on record the measures, which have been adopted by the State Government to tackle the hill cutting problem in the greater Guwahati and its surrounding areas, including other areas in the State of Assam.

List the matter after four weeks.

On the next date, the latest factual report be filed by the State of Assam.

JUDGE

CHIEF JUSTICE

Comparing Assistant