

GAHC010077512020



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

**Case No. : PIL(Suo Moto)/3/2020**

X X X X  
GUWAHATI, ASSAM

VERSUS

IN RE - THE UNION OF INDIA AND 7 ORS  
REPRESENTED BY SECRETARY, MINISTRY OF MINES, SHASTRI BHAWAN,  
DR. RAJENDRA PRASAD ROAD, ROOM NO. 320, A-WING, NEW DELHI -  
110001

2:THE STATE OF ASSAM  
REPRESENTED BY THE CHIEF SECRETARY  
GOVERNMENT OF ASSAM  
DISPUR  
GUWAHATI - 781006

3:THE SECRETARY TO THE GOVERNMENT OF ASSAM  
HOME AND POLITICAL DEPARTMENT  
DISPUR  
GUWAHATI - 781006

4:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF  
ASSAM  
FOREST AND ENVIRONMENT DEPARTMENT  
DISPUR  
GUWAHATI - 781006

5:THE PRINCIPAL CHIEF CONSERVATOR AND HEAD OF FOREST FORCE  
ARANYA BHAWAN  
PANJABARI  
GUWAHATI - 781037

6:THE DIRECTOR  
THE DIRECTORATE OF GEOLOGICAL AND MINING DEPARTMENT  
KAHILIPARA  
GUWAHATI - 781019

7:COAL INDIA LIMITED  
REPRESENTED BY THE CHAIRMAN-CUM-MANAGING DIRECTOR  
COAL BHAWAN  
PREMISE NO.04 MAR  
PLOT NO. AF-III  
ACTION AREA-1A  
NEWTOWN  
RAJARHAT  
KOLKATA - 700156

8:THE DEPUTY COMMISSIONER  
DISTRICT - TINSUKIA  
ASSAM  
PIN - 786125

9:NATIONAL BIODIVERSITY  
AUTHORITY

10:STATE BIODIVERSITY  
BOARD  
ASSAM

For the petitioner : Mr. T.J. Mahanta, Senior Advocate  
Assisted by Mr. A. Barua, Advocate

For the respondents : Mr. P.N. Goswami, Addl. A.G. Assam,  
Assisted by Mr. I. Kalita, S.C., Forest

Mr. M.Z. Ahmed, Senior Advocate  
Assisted by Mr. A.M. Dutta, Advocate  
For the Coal India Ltd.

– B E F O R E –

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

**HON'BLE MR. JUSTICE SUMAN SHYAM**

**27-02-2024**

*(Vijay Bishnoi, C.J.)*

1) This Suo Moto Public Interest petition is registered by this Court taking cognizance of the news articles published in the Assamese Newspaper 'Amar Asom' in its edition dated 14.11.2019 in respect of the illegal mining at Patkai Hills. It is pleaded that Dehing Patkai Elephant Reserve of which Saleki is a part, is the largest rainforest in India and stretches for 575 sq. kms across Tinsukia, Dibrugarh and Sivasagar districts of Upper Assam. However, the biodiversity of the forest land is in danger on account of establishment of high polluting industries such as coal mine, oil refineries, gas drilling etc. It is also contended that large number of animals and birds living in the area are also affected by the illegal activities in the said area.

2) It is noticed that looking to the seriousness of the matter, the State Government vide Notification dated 18.07.2020 while exercising powers under Section 3 of the Commissions of Inquiry Act, 1952, has constituted a 'One-Man Enquiry Commission' headed by Justice (Retd.) B.P. Katakey, retired Judge of the Gauhati High Court to cause an enquiry into the aforesaid allegations with specific Terms of Reference for the Commission. The One-Man Enquiry Commission has submitted its report to the State Government on 17.04.2021, which was tabled before the Assembly.

3) Learned Additional Advocate General of Assam appearing for the respondent State has submitted that the State Government has decided to implement the recommendations and the remedial measures suggested by the

One-Man Enquiry Commission for the purpose of checking the illegal mining activities in the area concerned. It is also submitted that the State Government vide Notification dated 15.06.2021 has declared the Dehing Patkai area as National Park which comprises of district Tinsukia and Dibrugarh and Forest Division of Digboi and Dibrugarh. It is submitted by the learned counsel for the respondent State that the State Government will take steps in phase manner on the suggested remedial measures to check the illegal coal mining activities in the area and will make every endeavour to complete those remedial measures at the earliest.

4) Taking into consideration the above facts and circumstances of the case, we are of the opinion that the object of registering the present PIL is fructified. Hence, no further order is required to be passed in this PIL and the same is, therefore, disposed of.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**