

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA

ORIGINAL APPLICATION NO. 88 /2025/EZ
(Under Section 18(1) read with Section 14, 15 and 17 of the
National Green Tribunal Act, 2010)

IN THE MATTER OF:

Sri. Uttam Bathari

: Applicant

Vs.

The State of Assam & Ors.

: Respondents

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28 APR 2025

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Date: 28.04.2025

Place: Guwahati

DRAWN & FILED BY:

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SYNOPSIS

The applicant respectfully submits that this petition raises serious and substantial questions concerning the environment before the Hon'ble National Green Tribunal, regarding illegal encroachment and settlements by unscrupulous elements, inside the Daldali Reserve Forest located in the Karbi Anglong district of Assam, more particularly in the said reserve forest areas near the Assam-Nagaland border. And thereafter illegal land pattas/documents are prepared in connivance with revenue officials of Karbi Anglong Autonomous Council (KAAC), Assam, as well as from Nagaland, posing a grave threat to the ecologically sensitive Daldali Reserve Forest and the biota therein.

It is further submitted that fresh instances of encroachment have commenced within the Daldali Reserve Forest, posing a grave threat to its ecological integrity, including the Daldali – Dimapur Elephant Corridor. The said forest is an ecologically significant habitat, forming part of the Dhansiri-Lungding Elephant Reserve, which was officially notified in the year 2003. According to a recent report titled 'Elephant Population Estimation in Assam 2024' of Assam Forest Department, the total no. of Elephants recorded in the Dhansiri-Lungding Elephant Reserve is 176 Elephants.

Considering the increasing threats to this fragile ecosystem, the applicant prays for immediate and appropriate measures to safeguard the Daldali Reserve Forest and its adjacent areas, ensuring their long-term protection and sustainable management in the interest of environmental conservation and ecological integrity. Under such circumstances, the applicant prefers the present application seeking adequate relief from this Hon'ble Court.



LIST OF DATE & EVENTS

DATE	EVENTS
16.08.1933	Notification declaring Daldali Reserve Forest
18.11.2020	News published in 'NorthEast Now'
15.09.2022	News published in 'The Hills Times'
19.01.2022	Judgment & Order in W.P(C)/7263/2015
06.06.2023	Order in W.P(C)/3243/2022
2023	Elephant Corridors of India report
2024	Elephant Population Estimation in Assam report
02.03.2025	Encroachment inside Daldali Reserve Forest
06.03.2025	Memorandum submitted by Six Surrendered Arms Organization



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH AT KOLKATA

MEMORANDUM OF APPLICATION
(Under Section 18(1) read with Section 14, 15 and 17 of the
National Green Tribunal Act, 2010)

ORIGINAL APPLICATION NO. OF 2025/EZ

IN THE MATTER OF:

- 1. Sri. Uttam Bathari**
S/o Sri. Hiru Bathari
R/o Protech Park (G-7H), Upper Hengrabari
P.S – Dispur, Guwahati 781036, ASSAM.
Email: uttambathari@gmail.com

Applicant

Versus

- 1. The State of Assam**
Represented by the Chief Secretary,
Government of Assam, Assam Sachivalaya
Dispur, Guwahati 781006, ASSAM
Email: cs-assam@nic.in
- 2. The Department of Environment, Forest & Climate Change**
Represented by the Commissioner & Secretary,
Government of Assam, Assam Sachivalaya
Dispur, Guwahati 781006, ASSAM
Email: kavithapadman@gmail.com
- 3. The Karbi Anglong Autonomous Council**
Represented by the Principal Secretary,
M.G Road, Diphu, Dist. – Karbi Anglong
ASSAM
Email: help@karbianglong.co.in



4. **The State of Nagaland**
Represented by the Chief Secretary,
Government of Nagaland,
Nagaland Civil Secretariat,
Kohima 797004, NAGALAND
Email: csngl@nic.in
5. **The Department of Environment, Forest & Climate Change**
Represented by the Commissioner & Secretary
Government of Nagaland,
Nagaland Civil Secretariat,
Kohima 797004, NAGALAND
Email: info@nagalandforest.in
6. **The Department of Land Records & Survey**
Represented by the Commissioner & Secretary
Government of Nagaland,
Nagaland Civil Secretariat,
Kohima 797004, NAGALAND
Email: landrecordsmp@gmail.com
7. **The Ministry of Environment, Forests & Climate Change**
Represented by the Secretary,
India Paryavaran Bhawan, Jor Bagh Road,
NEW DELHI 110003
Email: secy-moef@nic.in

Respondents

- I. The addresses of the Applicant is given above for the service of notices of this application.
- II. The addresses of the Respondents are given above for the service of notices of this application.



MOST RESPECTFULLY SHOWETH:

1. That the applicant before Your Lordships is citizen of India and a resident of the above-mentioned locality in the state of Assam. The applicant further states that he is an Associate Professor in the Department of History, Gauhati University. He is also holding the charge of Co-ordinator of Master of Arts Programs in History under Institute of Distance and Open Learning (IDOL), Gauhati University. Earlier he served as the Deputy Director (Research) in the Indian Council of Historical Research (ICHR) with overall charge of the North Eastern Regional Centre from 2012-2018.
2. That the applicant is a conscientious citizen and nature lover, who is entitled to all the rights, protections and privileges guaranteed under the Constitution of India and laws framed thereunder. Furthermore, it is the duty of the applicant as a citizen of India under Article 51-A(g) of the Constitution of India, to protect and improve the natural environment including forests, lakes, rivers, and wild life, and to have compassion for living creatures. The applicant crave leave of this Hon'ble Court to submit further documents in this regard, if so required.
3. That by preferring the instant application the applicant seek to raise serious and substantial question relating to the environment before the Hon'ble National Green Tribunal, regarding illegal encroachment and settlements inside Daldali Reserve Forest located at Karbi Anglong district of Assam, more particularly in the said reserve forest area along the Assam-Nagaland border, by unscrupulous elements. Such unscrupulous elements are obtaining illegal land documents in connivance with revenue officials from the concerned respondent authorities, which pose a grave threat to the ecologically sensitive Daldali Reserve Forest and its biota.



Facts of the Case

4. That Daldali Reserve Forest with an area measuring around 123.32 sq.km. was notified as a reserve forest vide notification No. 2178R on 16.08.1933. It is an ecologically vital region that serves as a crucial habitat for diverse flora and fauna and plays a key role in maintaining biodiversity.

A copy of the Google map of Daldali Reserve Forest is annexed as ANNEXURE – A.

5. That according to the report ‘Elephant Corridors of India, 2023’ prepared by Wildlife Institute of India under Project Elephant, MoEF&CC, the Daldali-Dimapur corridor (length 5 km and width 1 km) connects the Daldali Reserve Forest (Ranga Pahar range) in Assam with Dimapur Reserve Forest (Khuboto range) in Nagaland, which is an important animal corridor for Elephants and other wildlife including Leopard and Dhole (wild dog).

A copy of the relevant portion of the report ‘Elephant Corridors of India, 2023’ is annexed as ANNEXURE – B. The applicant further craves leave of this Hon’ble Court to bring the entire report on record, if so required.

6. That together with Dhansiri Reserve Forest, the second-largest reserve forest in Assam, located in Karbi Anglong district and bordering with Nagaland’s Intanki National Park, the Daldali Reserve Forest is an integral part of the Dhansiri-Lungding Elephant Reserve (DLER), notified on 19.04.2003, spanning over an area of 2,740 sq.km., ensuring uninterrupted movement of elephant populations between Assam and Nagaland.



According to a recent report titled 'Elephant Population Estimation in Assam 2024' of Assam Forest Department, the total no. of Elephants recorded in the Dhansiri-Lungding Elephant Reserve is 176 Elephants.

A copy of the relevant portion of the report 'Elephant Population Estimation in Assam 2024' is annexed as ANNEXURE – C. The applicant further crave leave of this Hon'ble Court to bring the entire report on record, if so required.

7. The Daldali Reserve Forest, which forms part of the Dhansiri-Lungding Elephant Reserve, is home to rich biodiversity, including large number of Elephants, that is now at risk due to illegal settlements and deforestation. There has been encroachment in Daldali Reserve Forest along Assam-Nagaland border, which have led to substantial destruction of forest inside the Daldali Reserve Forest, as reported in 'NorthEast Now' on 18.11.2020 and 'The Hills Times' on 15.09.2022. It is reported in the said news that illegal land pattas/documents are being issued by the Nagaland government in Rilan Basti area as well as encroachers from Nagaland have cleared jungles and constructed houses at Toraibari near Nowgaon Basti between Rangapahar and Kasiram Border Outpost (BOP) inside Daldali Reserve Forest of Karbi Anglong, Assam.

A copy of the 'NortEast Now' dated 18.11.2020 and 'The Hills Times' dated 15.09.2022 is annexed as ANNEXURE – D & E.



8. That to make matters worse, unscrupulous elements and ex-militants from Karbi Anglong district, Assam, are now encroaching upon and breaking-up forests land inside Daldali Reserve Forests. Once the forest land is encroached, illegal land documents are obtained in nexus with Karbi Anglong Autonomous Council officials. Thereafter, they sale the land to other persons, including from Nagaland. A case in point is an memorandum from six surrendered arms organization to the Chief Executive Member, Karbi Anglong Autonomous Council dated 06.03.2025, which states –

“1. That Sir, as per your advice and suggestions we the members of six ex-arms organization have tirelessly working on the bordering land at Assam and Nagaland state. We have also started earth work at Sankartilla under Rangapahar Forest Range with Earth Movers. As promised by you land patta will be issued to us through Revenue Circle Office of the Karbi Anglong Autonomous Council (KAAC)”

A copy of the above-mentioned Memorandum dated 06.03.2025 is annexed herewith as **ANNEXURE – F.**

9. That the aforesaid memorandum submitted by six surrendered arms organization highlight the fact that they tried to start work with earth movers inside the Rangapahar Forest Range of Daldali Reserve Forest, to make illegal settlements, with the intent to obtain land patta from the Karbi Anglong Autonomous Council authorities. However, on this occasion they faced resistance from the Eastern Rangapahar Forest Range under Dhansiri Beat office. But such illegal encroachments inside Daldali Reserve Forest by setting up farms, agriculture, graveyard, etc., are still going on and requires urgent consideration and intervention of this Hon'ble Court.



Copy of photographs are annexed herewith as
ANNEXURE – G (colly.)

10. That the Hon'ble Gauhati High Court, in the case of *Dasharath Yadav and 2 Ors vs. State of Assam* registered as W.P(C)/7263/2015, stated as follows:

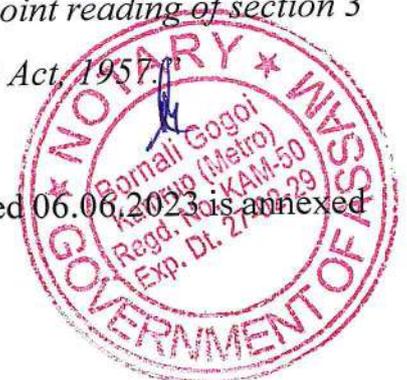
“16.no rights of any description shall be acquired in or over a Reserved Forest, except by succession or under grant or contract in writing made by or with the previous sanction of the State Government or some person on whom such right or the power to create such right was vested when the notification under Section 17 was published.”

A copy of the Judgment and Order dated 19.01.2022 is annexed as ANNEXURE – H.

11. That the Hon'ble Gauhati High Court, in the case of *Augustin Kramsa vs. The State of Assam and 10 Ors.* registered as W.P(C)/3243/2023, stated as follows:

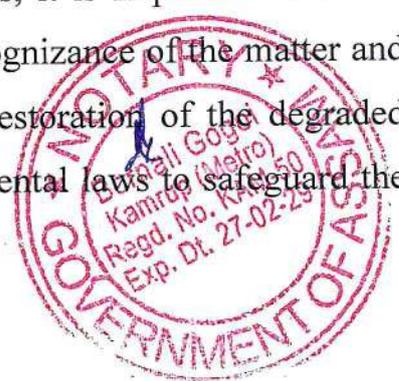
“20.the prima facie view of this Court is that as the Forest is a transferred subject to the KAAC under Schedule VI of the Constitution of India, under the provisions of Para 3(1)(b) of the said schedule, the KAAC appears to be empowered to make laws on the management of any forest, not being a reserve forest, which appears from conjoint reading of section 3 and section 1(2) of the Mikir Hills District (Forest) Act, 1957.”

A copy of the Order dated 06.06.2023 is annexed as ANNEXURE – I.

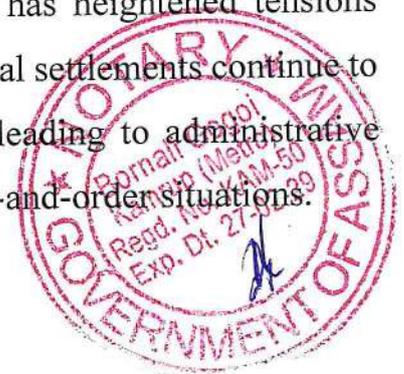


12. That it is clear from the aforesaid judgment and orders of the Hon'ble Gauhati High Court that the Karbi Anglong Autonomous Council has no authority over a Reserve Forest, and within the domain of the Forest Department of Assam. Also, no rights of any description shall be acquired in or over a Reserved Forest, except by succession or under grant or contract in writing made by or with the previous sanction of the State Government or some person on whom such right or the power to create such right was vested when the notification was published under section 17 of Assam Forest Regulation, 1891. Furthermore, Section 2 of 'The Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, imposes restriction on the dereservation of forests or use of forests land for non-forest purpose. Therefore, any illegal settlement inside Daldali Reserve Forests and subsequent grant of land pattas/documents inside the said forests is not tenable in law.

13. That the illegal encroachment and settlement within the Daldali Reserve Forest pose a severe threat to the fragile ecosystem and violate established environment and forest protection laws. Photographic evidence unequivocally demonstrates ongoing human settlements, with structures being erected and forest land being cleared, resulting in irreversible environmental degradation. The Daldali Reserve Forest, being part of the Dhansiri-Lungding Elephant Reserve, serves as a critical habitat for diverse flora and fauna, including endangered species. The encroachments not only contribute to deforestation and habitat destruction but also escalate human-wildlife conflicts, further endangering both local communities and the region's biodiversity. Under such circumstances, it is imperative that the Hon'ble National Green Tribunal take urgent cognizance of the matter and direct immediate removal of encroachments, restoration of the degraded forest area, and strict enforcement of environmental laws to safeguard the ecological integrity of this vital forest.



14. That the illegal encroachment inside the Daldali Reserve Forest has led to extensive deforestation, causing severe ecological damage. Large tracts of forest land are being cleared for unauthorized settlements, agriculture, and infrastructure development, leading to the loss of biodiversity, habitat destruction, and soil degradation. The unchecked felling of trees is disrupting the delicate ecological balance of the region, reducing carbon sequestration capacity, and contributing to climate change.
15. That encroachment has fuelled an illegal timber trade, where valuable forest trees are being indiscriminately felled and smuggled out of the reserve. This rampant deforestation not only depletes the natural resources of the region. If left unchecked, the illegal timber business will lead to irreversible loss of forest cover, pushing the ecosystem toward collapse.
16. That the Daldali Reserve Forest is a crucial part of the Dhansiri-Lungding Elephant Reserve, serving as an essential corridor for Elephant movement between Assam and Nagaland. Encroachment and deforestation have severely fragmented these corridors, forcing elephants into human settlements, leading to increased human-wildlife conflicts. As elephants struggle to find food and safe passage, they often stray into villages, damaging crops, property, and even endangering human lives. The loss of connectivity between protected areas threatens the long-term survival of elephant populations in the region.
17. That the illegal occupation of forest land inside Daldali Reserve Forest, particularly the alleged issuance of land pattas, has heightened tensions between the states of Assam and Nagaland. If illegal settlements continue to expand, it could exacerbate territorial disputes, leading to administrative challenges, legal confrontations, and possible law-and-order situations.



18. That the illegal encroachment, deforestation, and unauthorized settlements within the Daldali Reserve Forest pose a grave threat to the environment, biodiversity, and regional stability. The situation demands urgent intervention by this Hon'ble Tribunal to prevent further destruction, protect elephant corridors, and ensure that the forest is restored and conserved for future generations.

GROUNDS

That the applicant is filing the present application on the following, among other grounds, which the applicants may take at the time of hearing of the matter:

- A. BECAUSE Daldali Reserve Forest is a legally protected forest area, forming part of the Dhansiri-Lungding Elephant Reserve, and any encroachment therein is a direct violation of The Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980; The Assam Forest Regulations, 1891; among other laws.
- B. BECAUSE the Supreme Court of India, in *T.N. Godavarman Thirumulkpad vs. Union of India & Ors. (1997) 2 SCC 267*, has clarified that forest land must be protected regardless of ownership or claims, and its use for non-forest purposes requires explicit approval from the Central Government under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. The ongoing encroachment in Daldali Reserve Forest constitutes an illegal diversion of forest land without any such approval.
- C. BECAUSE the issuance of land pattas within the Daldali Reserve Forest, being a clear violation of environmental and forest conservation laws. The Gauhati High Court's ruling in *Dasharath Yadav & Ors. Vs. State of Assam* affirmed that no private rights can be acquired over reserved forest land except under strict legal provisions.



- D. BECAUSE the Gauhati High Court, in *Augustin Kramsa vs. The State of Assam & 10 Ors.*, has unequivocally held that no person has an inherent right to occupy land within a reserved forest unless granted through legal provisions. The illegal settlements in Daldali Reserve Forest defy this established legal precedent and warrant immediate action.
- E. BECAUSE the illegal settlements within Daldali Reserve Forest are causing irreparable environmental damage, including deforestation, habitat destruction, and increased human-wildlife conflict, particularly affecting the elephants and other wildlife. Such destruction violates the Environment Protection Act, 1986; the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980; the Wildlife Protection Act, 1972; the Assam Forest Regulation, 1891; among other laws, which mandate the protection of ecologically significant areas from human-induced threats.
- F. BECAUSE the unchecked encroachment into protected forests has far-reaching consequences for the climate, water security, and ecological balance of the region. Deforestation in the Daldali Reserve Forest will contribute to soil erosion, loss of biodiversity, and the disruption of ecological corridors that are crucial for wildlife movement.
- G. BECAUSE the National Green Tribunal has consistently upheld the principle that forest land must be protected from illegal encroachments, in keeping with the constitutional duty to protect the environment under Article 48A of the Constitution of India, i.e.,

“The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.”



LIMITATION

That the present application is filed within the limitation period under the National Green Tribunal Act, 2010, and rules framed thereunder, as the cause of action is continuous in nature, since illegal encroachment inside Daldali Reserve Forest is ongoing and continues to cause environmental degradation, loss of biodiversity, and in violation of forest conservation and environment laws. The issue came to the applicant's knowledge from information, photographs and communications received, confirming the unauthorized settlements within the said reserve forest area. In light of the continuing impact of the encroachment on the environment, wildlife, and ecosystem, the present application is maintainable and not barred by limitation.

INTERIM PRAYER

In view of the above facts and circumstances and pending disposal of the instant application, it is most respectfully submitted that the applicant has a good *prima facie* case, and in consideration of the said facts and circumstances, this Hon'ble Court in the interim, may be pleased to -

- (i) constitute a high level 'Expert Committee' to look into the following, among other issues pertaining to Daldali Reserve Forest –
 - a) illegal encroachment and settlements by unscrupulous elements from Assam and Nagaland;
 - b) issuance of illegal land documents by concerned respondent authorities;
 - c) measures to protect the Daldali – Dimapur elephant corridor, including the reserve forests area, particularly along Assam-Nagaland border;
 - d) measures and necessary action against illegal timber trade and deforestation inside the forests;



- (ii) to direct the respondent authorities to take immediate steps to remove all illegal encroachments and settlements within Daldali Reserve Forest, and/or
- (iii) to pass any such further order(s) as may be deemed fit and proper in the interest of justice and environment.

PRAYER

In view of the above said facts and circumstances it is therefore most respectfully prayed by the applicants that this Hon'ble Court may be pleased to -

- (i) to direct the immediate removal of illegal encroachments and unauthorized settlements within Daldali Reserve Forest, and ensuring the restoration of the degraded forest area in accordance with applicable environmental laws; and/or
- (ii) to declare that the issuance of land documents/pattas within the Daldali Reserve Forest as illegal and direct the concerned authorities to cancel any such allotments in violation of law; and/or
- (iii) to direct enforcement of conservation measures for Dhansiri-Lungding Elephant Reserve, including the protection and preservation of Daldali-Dimapur elephant corridor to prevent further disruption of wildlife movement and mitigate human-wildlife conflicts; and/or
- (iv) to direct the respondent authorities to take strict and time-bound measures to prevent further encroachments and implement conservation initiatives for the protection of the Daldali Reserve Forest; and/or



- (v) to pass any other such order(s)/direction(s) as this Hon'ble Court seem fit and proper in the facts and circumstances of the present case.

Date: 28.04.2025

Place: Guwahati

Drawn and filed by:

Vikram Rajkhowa

Vikram Rajkhowa

Advocate for the Applicants

504, Amazing Grace Apartment,
S.K Bhuyan Road, Dighalipukhuri(E)
Guwahati – 7810001, ASSAM
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(+91) 9954348258



SI. No. 02
Date 28 APR 2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA

ORIGINAL APPLICATION No. OF 2025/EZ

IN THE MATTER OF:

Sri. Uttam Bathari : Applicant

Vs.

The State of Assam & Ors. : Respondents

AFFIDAVIT

I, Sri. Uttam Bathari, son of Sri. Hiru Bathari, aged around 49 years, resident of Protech Park (G-7H), Upper Hengrabari, P.S – Dispur, Guwahati 781006, in the district of Kamrup(M), Assam, do hereby solemnly affirm and state as under:

1. That I am the applicant in the present application, and as such I am fully conversant with the facts and circumstances of the case, and therefore I am competent to swear this affidavit.
2. That the accompanying application has been drafted by my counsel on my instructions, and I have read and understood the contents of the same and nothing material has been concealed therefrom.

Identified By
Ankur Jyoti Sarma
Advocate/Advocate Clerk
Enr. No. 629/2023
VERIFICATION:

Uttam Bathari
DEPONENT

I, the above named, deponent do hereby verify that all the facts mentioned in the affidavit are true to my knowledge and no part thereof is false and nothing material has been concealed therefrom.



Uttam Bathari
DEPONENT
Solemnly affirm by the Dependent
executant who is are identified by
Ankur Jyoti Sarma Advocate
on 28th day of April 2025
Bornali Gogoi
NOTARY

VAKALATNAMA

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA

ORIGINAL APPLICATION No. OF 2025/EZ

IN THE MATTER OF:

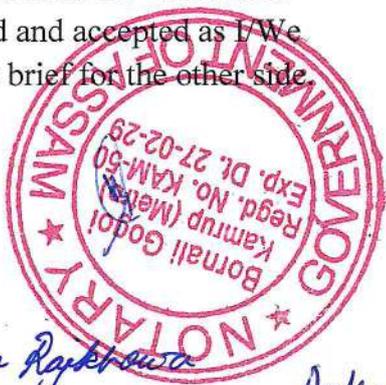
Sri. Uttam Bathari : Applicant

Vs.

The State of Assam and Ors. : Respondents

Know all men by these presents that the above, named that I, Sri. Uttam Bathari do hereby nominate, constitute and appoint **Mr. Vikram Rajkhowa, Mr. Ankur Jyoti Sarma and Ms. Elizabeth C Vaipehi, Advocates**, as shall accept this Vakalatnama to be his/their true and lawful Advocates to appear and act for him/them in the matter noted above and in connection therewith and for that purpose to do all acts whatsoever in that connection including depositing or drawing money, filing in or taking out papers, deeds of composition, etc., for him/them and on his/their behalf and I/We agree to ratify and confirm all acts to be done by the said Advocates as mine/ours for all intents and purposes. In case of non-payment of the stipulated fee in full, no Advocate will be bound to appear and act on my/our behalf. In witness whereof I/we hereunto set my hand on this 23rd day of 2025.

Received from the executants
Satisfied and accepted as I/We
Hold no brief for the other side.



Uttam Bathari
Signature of Executant/s

Vikram Rajkhowa

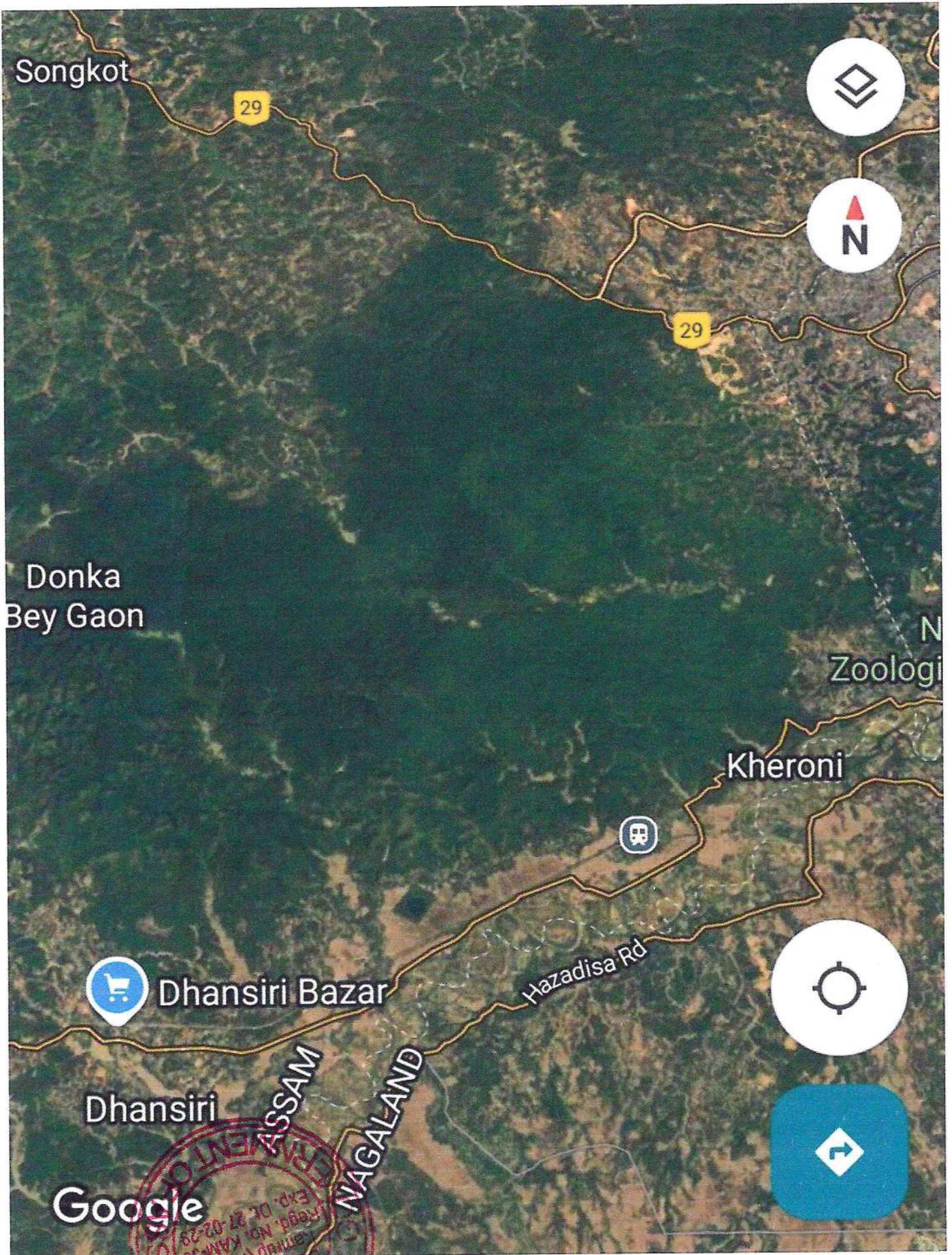
Ankur Jyoti Sarma

Elizabeth Chongneih

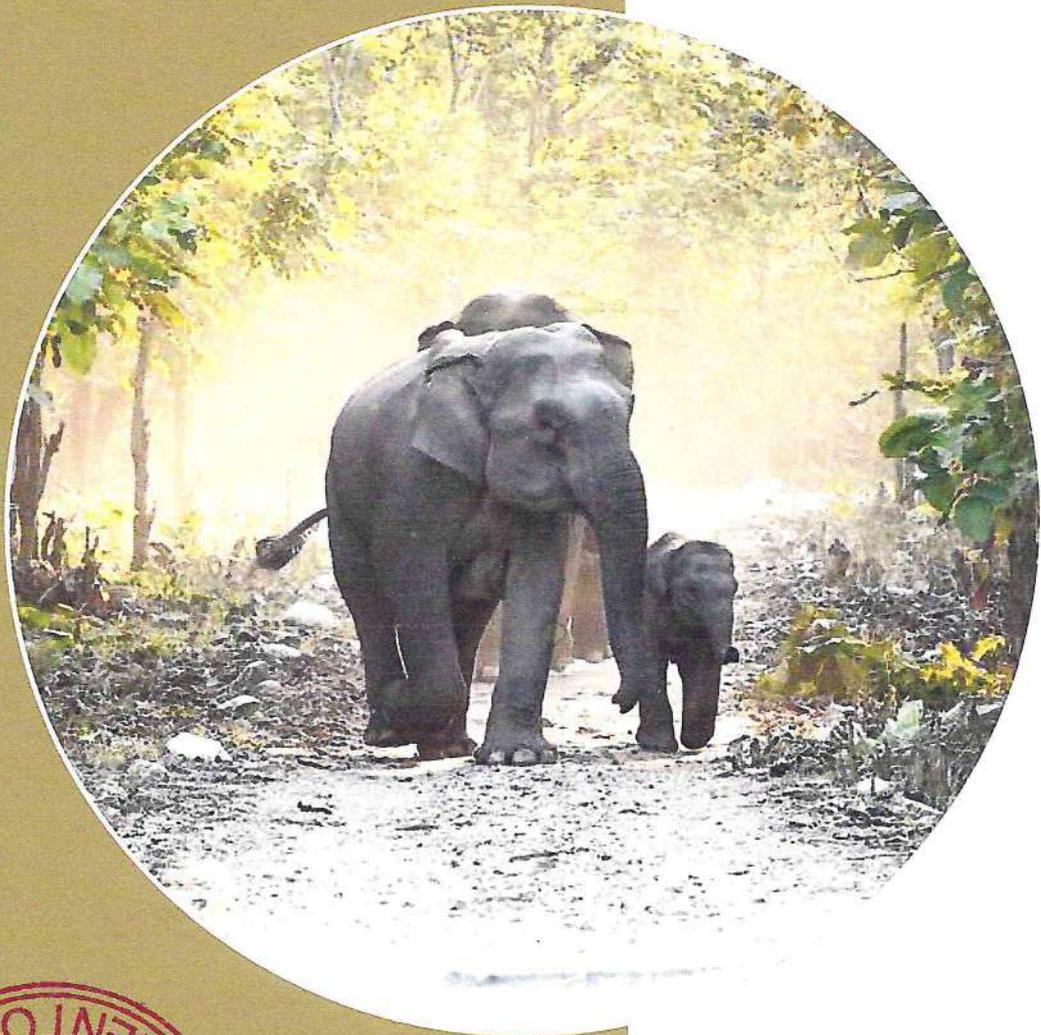
Advocate

Advocate

Advocate



ELEPHANT CORRIDORS of India



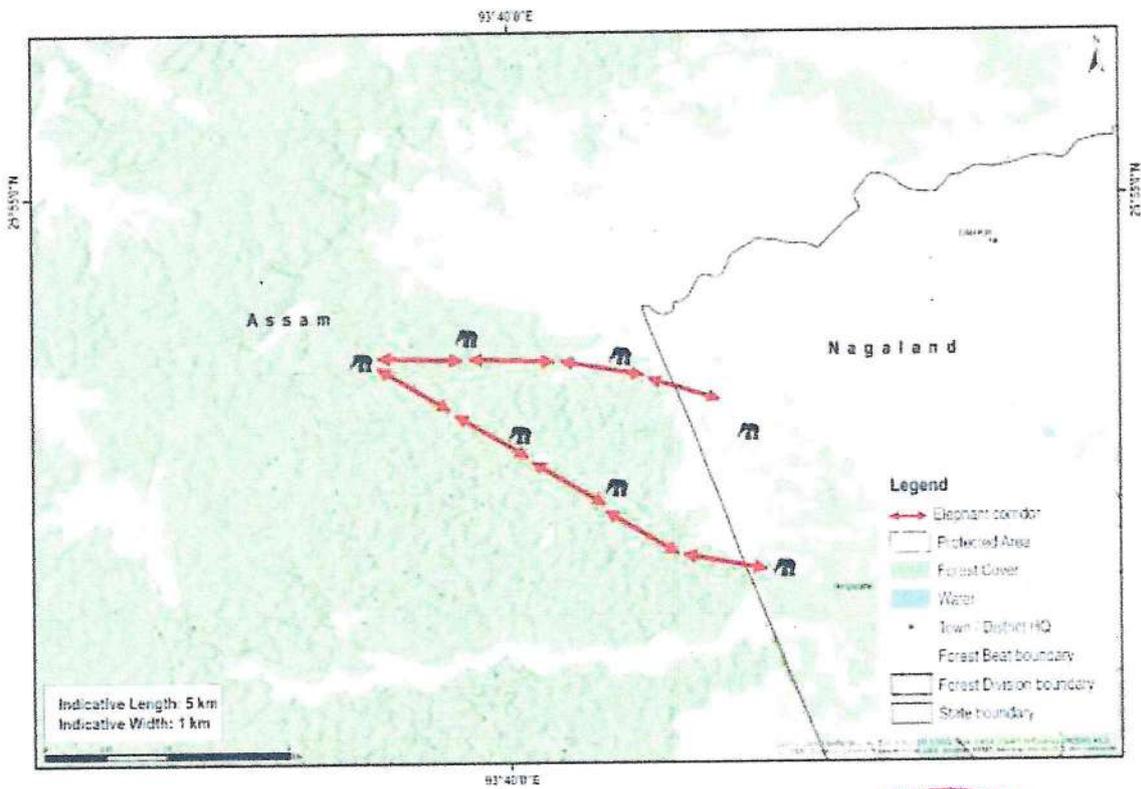
2023



भारतीय वन्यजीव संस्थान
Wildlife Institute of India

30. Daldali- Dimapur corridor

Connectivity	This corridor connects the Daldali Reserved Forest to Dimapur Reserve Forest in the Dimapur district.
State	Nagaland
Indicative length and width	Length = 5 km, width = 1 km
Geo coordinates	25° 53' 33" N / 94° 40' 42" E
Forest ranges falling within corridor	Ranga Pahar and Kuhuboto ranges
Revenue villages falling within corridor	5
Ecological importance	Elephants and other wildlife including leopard (<i>Panthera pardus</i>) and dhole (<i>Cuon alpinus</i>) use this corridor.
Habitat type	Tropical wet evergreen forest
Major land use	Forest (Private and community conservation areas, Daldali RF) Agriculture Plantations Settlement
Elephant movement status	Occasional
Number of elephants using the corridor	Not recorded by forest department
Linear infrastructure in the corridor	Information NA
Major bottleneck in the corridor	Indisen and Aryimkum areas falling within corridor
Recommendations by the forest department to improve the corridor	Awareness and sensitization programs to local communities
Current status of the corridor	Active. Intensity of use by elephants decreased.





ELEPHANT POPULATION ESTIMATION IN ASSAM 2024



ASSAM FOREST DEPARTMENT

V. DHANSIRI-LUNGING ELEPHANT RESERVE

Dhansiri-Lungding Elephant Reserve (DLER), covering an area of 2,740 sq. km, is the second-largest Elephant Reserve in Assam, situated along the border regions of Assam and Nagaland, the reserve serves as a crucial transboundary habitat for elephants and other wildlife. DLER is contiguous with the Kaziranga-Karbi Anglong Elephant Reserve to the north and the Intanki Elephant Reserve in Nagaland to the east, forming an essential ecological link between the two states. The Dhanairi River, a major water source flowing through the reserve, sustains a wide variety of wildlife within its dense and diverse forest landscapes.

The reserve encompasses a network of Reserve Forests and Protected Areas spread across Karbi Anglong East, Karbi Anglong West, Nagaon South, and North Cachar Hills Forest Divisions. Its varied topography and diverse habitat types—including tropical semi-evergreen forests, moist deciduous forests, and riverine habitats—make it a critical stronghold for elephant populations. DLER acts as a major corridor that facilitates the seasonal movement of elephants between the Karbi Anglong hills and the adjoining forests of Nagaland, ensuring genetic flow and maintaining landscape-level connectivity.

DHANSIRI-LUNGING ELEPHANT RESERVE

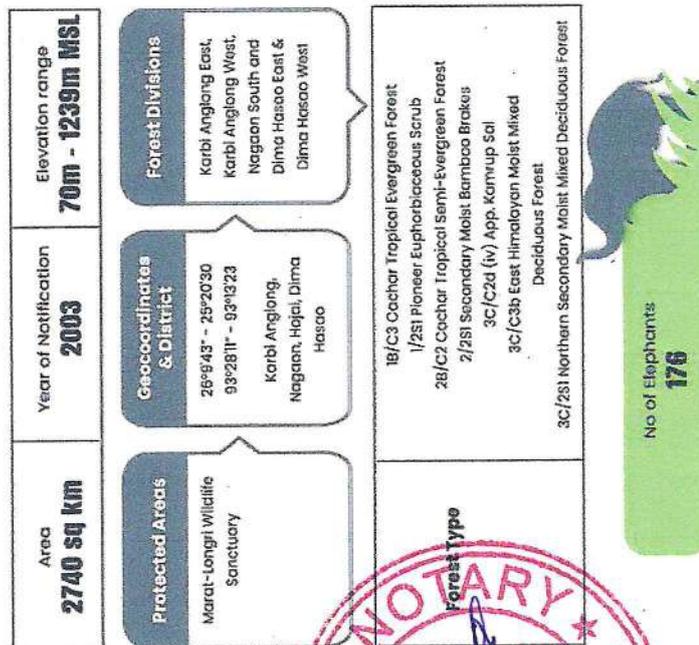
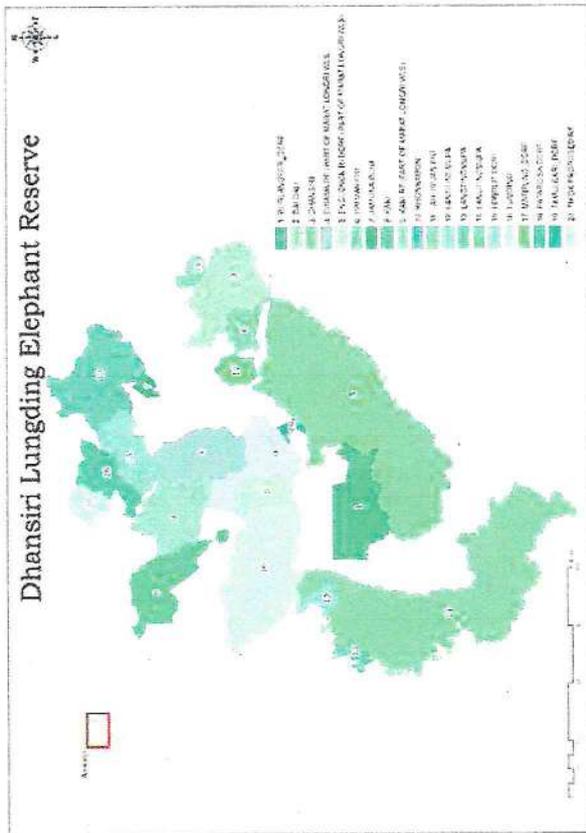
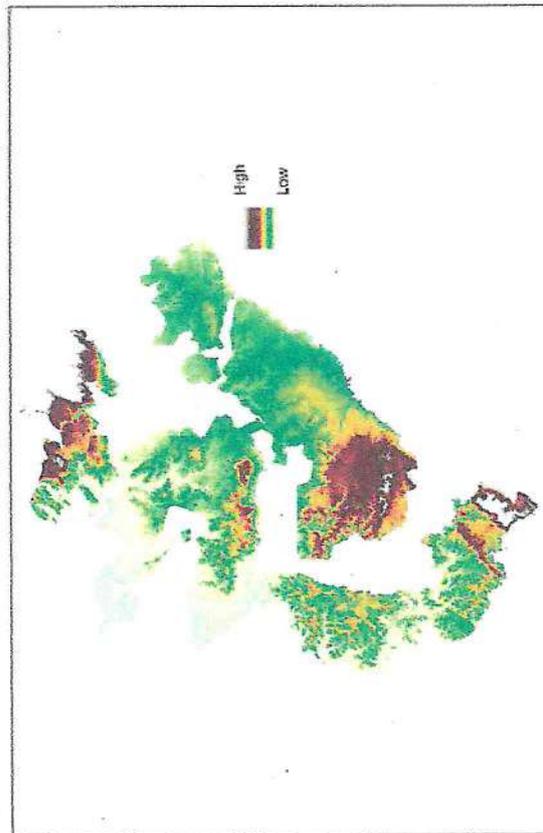


Fig 4.5: Dhanairi-Lungding Elephant Reserve



Map 4.12: Dhansiri-Lungding Elephant Reserve



Map 4.13: Dhanairi-Lungding Elephant Reserve



Assam, Northeast News, Top News

ANNEXURE - D

Fresh encroachment in Daldali Reserve Forest along Assam-Nagaland border sparks row

- 22 -

 by **NE NOW NEWS** November 18, 2020 12: 30 pm


12 organisations launch economic blockade against Nagaland in East Karbi Anglong.

In the wake of the recent encroachment in the Daldali Reserve Forest and the demolition of several border pillars along the Assam-Nagaland border in Karbi Anglong district, local organizations have launched an “Indefinite Economic Blockade” against the neighboring state.

A group of 12 organizations including Karbi Students’ Association (KSA) and Assam Jatiyatabadi Yuva Chatra Parishad (AJYCP) launched the blockade banning entry of all goods trucks and commercial vehicles into Nagaland starting from 7 am on Tuesday.

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The ‘Indefinite Economic Blockade’ has been clamped in both the highways at Dillai over NH 36 and Sarhajian over NH 39 in Karbi Anglong.

Both these highways serve as an important route to Nagaland and would create a shortage of essential commodities if the blockade happens to last longer.



The development came after the expiry of an ultimatum served to the Nagaland government to immediately cease encroachment activities in the Daldali Reserve Forest and withdraw all the illegal land pattas issued by the Nagaland government in the Rilan Basti area along the Assam-Nagaland border.

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The organisations also demanded the re-installation of seven missing border pillars by the Nagaland government according to the GPS coordinates and warned that in the event of failure by the Nagaland government to resolve the issue peacefully, they would be compelled to impose a blockade by restricting entry of all goods truck into Nagaland.

Encroachment in the Daldali Reserve Forest has long remained the main cause of dispute between Dimapur district in Nagaland and Karbi Anglong district in Assam.

Recently, the Nagaland government had set up two IRBn camps at the interstate Dillai Gate close to Assam and it fuelled further speculations that something was at play.

Moreover, the report of the Nagaland government issuing land pattas inside Assam created an atmosphere of fear and apprehension among the people residing in the area.

Recently, a team of Assam police and Assistant Conservator of Forest, Karbi Anglong Prahlad Kro, who visited the area, noticed substantial destruction of forest inside the Daldali Reserve Forest bordering Nagaland.



The team also noted that several border pillars were missing and many unscrupulous elements were engaged in the clearing of forest in the area holding land pattas (land registration certificates) issued by the Nagaland government.

- 24 -



Briefing the media, AJYCP, Karbi Anglong district secretary Jitu Phukan said, "We are not imposing a blockade against the Naga people but we are protesting against the failure of the Sarbananda Sonowal-led Assam government at fulfilling their pre-poll promise of safeguarding 'Jati, Mati and Bheti' of the Assamese people."

"The government has also failed to address the decade-long border issues which have remained central in the state since independence. We demand that the state government take cognizance of the prevailing situations and provide a lasting solution to the border issues at the earliest," he said.

It is very unfortunate that the Nagaland government has issued Land pattas in the Rilan Basti area which falls under the jurisdiction of Assam, Phukan said.

Some unscrupulous elements with aid of the Nagaland administration and Nagaland IRBn have demolished several border pillars and cleared a vast portion of the Daldali Reserve Forest under Karbi Anglong.

"The Nagaland administration is carrying out electrification works and has engaged earth movers for construction of roads into the area which is not admissible," KSA secretary Thansing Timung alleged.



Fresh Encroachment Inside Daldali Reserve Forest Comes To Light

September 15, 2022 Updated: September 15, 2022

By The Hills Times

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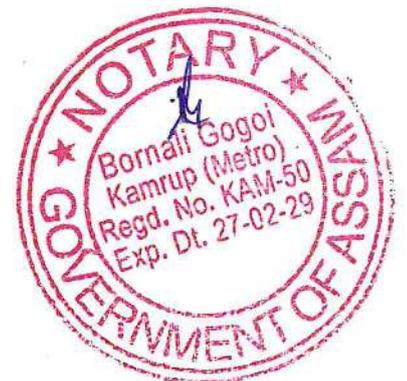
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HT Bureau

DIPHU, Sept 14: As per reports large scale encroachment have started along the Assam – Nagaland inter-State boundary as encroachers from Nagaland have cleared jungles and constructed houses at Toraibari near Nowgaon Basti between Rangapahar and Kasiram Border Outpost (BOP) inside Daldali Reserve Forest of Karbi Anglong.

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A complaint letter by All Dimasa Students Union (ADSU), Karbi Anglong District Committee, Dimasa Khunang Hossom and SGB of Nowgaon Basti was submitted to the deputy commissioner, Karbi Anglong, Dibakar Nath here on Wednesday stating that fresh encroachment activities have started inside Daldali Reserve Forest. At Toraibari near Nowgaon Basti the encroachers from Nagaland have cleared the jungles and constructed huts, dwelling houses and tree houses. The encroachers have erected electric posts for extension of electric connection from the nearest town Dimapur. So far they have completed erecting electric posts of 2 km inside Daldali Reserve Forest, it said.



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Encroachers evicted from Daldali Reserve



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“Motorable roads passing in front of Kasiram BOP have been constructed. There are threats to villagers of Dikhangsi by encroachers forcing them to leave the place,” the complaint letter further said.

President, ADSU, KADC, Pabitra Numisa told media persons that extensive encroachment of forest land by encroachers from Nagaland has started while adding that the encroachers are using giant machines like earthmovers and excavators for clearing the jungles and to construct roads.

“Despite the repeated pleas and submission of memorandum by ADSU, KSA and AJYCP to flush out encroachers from forest land, the State Government and Karbi Anglong Autonomous Council authority paid no heed,” the ADSU president said.

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He urged the Assam Government as well as the KAAC authority to take immediate steps to evict the encroachers who are mercilessly destroying the forest land.

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The Hills Times

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Welcome to The Hills Times, your trusted source for daily news and updates in English from the heart of Assam, India. Since our establishment in 2000, we've been dedicated to providing timely and accurate information to our readers in Diphu and Guwahati. As the first English newspaper in the then undemarcated Karbi Anglong district, we've forged a strong connection with diverse communities and age groups, earning a reputation for being a reliable source of news and insights. In addition to our print edition, we keep pace with the digital age through our website, <https://thehillstimes.in>, where we diligently update our readers with the latest happenings day by day. Whether it's local events, regional developments, or global news, The Hills Times strives to keep you informed with dedication and integrity. Join us in staying ahead of the curve and exploring the world through our lens.



Memorandum of the Six Surrendered Arms Organization

1. Karbi Longri and NC Hills Liberation Front(KLNLF)
2. The United Peoples's Liberation Army(UPLA)
3. People's Democratic Council of Karbi Longri(PDCK)
4. Karbi People's Liberation Tiger(KPLT, Run Rongpi)
5. Karbi People's Liberation Tiger(KPLT, Donri Kramsa)
6. Karbi People's Liberation Tiger(KPLT, Mensing Kramsa)

Received
Original
06/03/2025

Submitted to
Dr. Tuliram Ronghang
The Honourable Chief Executive Member,
Karbi Anglong Autonomous Council (KAAC)

Dated: Diphu the 6th of March, 2025

Honourable Sir,

At the very outset, we on behalf of the Six Surrendered Arms Organization would like to extend our heartiest and Marvelous greetings to you and your Family and the entire Bharatiya Janata Party (BJP) family. **KARDOM**

That Sir, under your esteemed supervision, we are able to signed the most Historic Peace Accord of the century" The Memorandum of Settlement'2021"(MOS'2021) between the Government of Assam(GOA), the Government of India(GOI) and the Six Surrendered Arms Organization of Karbi Anglong and it has all been possible because of the like mindedness and the vision of the World largest Political party "The Bharatiya Janata Party(BJP)" for one nation and for which act and motives we are forever remain indebted.

We on this regard, earnestly and humbly urge your honour to bear with us and kindly consider the following issues for the greater intrest of the Ex-Cadres and Members of the Six Arms Organization, (KLNLF, UPLA, PDCK, KPLT-R, KPLT-D and KPLT-M) in particular.

1. That Sir, as per your advice and Suggestions We the Members of the Six Ex-Arms Organization have tirelessly working on the Bordering land at Assam and Nagaland State. We have also started Earth Work at Sankartilla under Rangapahar Forest Range with Earth Movers. As promised by you Land Patta will be issued to us through Revenue Circle Office of the Karbi Anglong Autonomous Council (KAAC). But some incident occurred on the 2nd of March 2025. An Ex-DHD C-in-C Sri Pronob Nunisa along with his Five Men carrying Sophisticated Arms Such as AK-Series Rile and 303 Rifle approached us and halt the Earth Work and at the same time trying



to Seize the Machinery Equipments claiming themselves to be from the Eastern Rangapahar Forest Range under Dhansiri Beat Office.

2. That Sir, One Departmental Quarter belonging to the Eastern Rangapahar Forest Range Dhansiri Beat Office has been Illegally Occupied by the so called Ex-DHD C-in-C Sri Pronob Nunisa since Long. But the respective Ranger of Eastern Rangapahar Forest Range Dhansiri Beat Sri Chandrasing Kro and DFO Sri Bibison Tokbi are keeping a blind Eye and the Department Quarter is not yet Evicted till date.

3. That Sir, as per information from sources the Sophisticated Arms i.e AK-Series Rifle was issued to the Respective Dhansiri Beat Office during the tenure of the then PCCF Sri Abhijit Rabha. But after the retirement of the PCCF Sri Abhijit Rabha, the Sophisticated Arms was not decommissioned to the respective Eastern Division Forest Range. We would like to know on what ground or rules the Dhansiri Beat Office are allowed to carry such sophisticated Arms for the protection of Forest Land.

So, in this regard We on behalf of the Six Signatories Groups of the MOS'2021 Accord once again earnestly request you for your co-operation and sympathy to immediately either Transfer or Suspend both Rangapahar Forest Range, Dhansiri Beat Ranger Sri Chandrasing Kro and the Divisional Forest Officer(DFO) Sri Bibison Tokbi for keeping a blind eye on the illegally Occupied Department Quarter, for engaging an Ex-Arms Members for protection of Forest Land without the consent of the parent Karbi Anglong Autonomous Council(KAAC) authority, and also for misusing Sophisticated Arms which might disrupt the peace, development and tranquility of the region which you and your Governance are looking for till date.

Your kind consideration and acceptance will forever remain indebted to you and Oblized.

Thanking you

Yours faithfully

1. Wilington Phansow (EX-KLNLF)
2. Goodwinson Kero (V?T-R)
3. Mensing Tokbi (KPLT-M)
4. John Tanden Bey (KPLT-O)
5. Niekonjo Kathar (UPLA)
6. Francis Jerang (EX-PDCK)



**SITE FOR
GREATER NAHORLANGSOKARBI VILLAGE
KARBI ANGLONG (ASSAM)**







NOTARY
Borna Gr
Kamrup (Metr
Regd. No. K
Exp. Dt. 27-
GOVERNMENT



NOTARY * ASSAM
Bomali Gogoi
Kamrup (Metro)
Regd. No. KAM-50
Exp. Dt. 27-02-20

GOVERNMENT OF ASSAM

GAHC010213902015



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

Case No. : WP(C)/7263/2015

DASHARATH YADAV and 2 ORS

2: BISWAMITRA YADAV

3: DURJYDHAN YADAV
ALL ARE S/O- LT. RAGHUBAR YADAV
R/O VILL.- KAKI
RAMPUR
P.O.- PURANA KAKI
P.S.- KAKI
DIST.- NAGAON
PIN- 782442

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE SECY. / COMMISSIONER, FOREST DEPTT., DISPUR,
GUWAHATI.

2: THE CHIEF CONSERVATOR OF FORESTS / CONSERVATOR NOTHERN
ASSAM CIRCLE
TEZPUR
DIST.- SONITPUR
ASSAM.

3: THE DIVISIONAL FOREST OFFICER
NAGAON
SOUTH DIVISION
HOJAI
DIST.- NAGAON
ASSAM.



4:RANGE FOREST OFFICER
KAKI RANGE
KAKI
DIST.- NAGAON
ASSAM

Advocate for the Petitioner : Mr. R. L. Yadav, Adv.
Advocate for Respondents : Mr. D. Gogoi, SC, Forest Department

Date of Hearing & Judgment : 19/01/2022

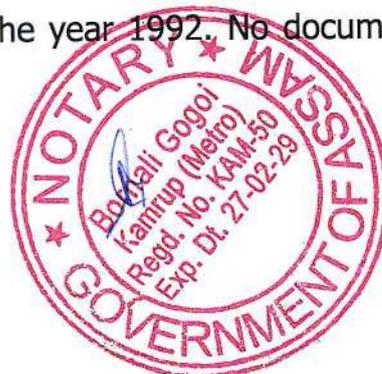
BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

JUDGMENT & ORDER (ORAL)

Heard Mr. R. L. Yadav, learned counsel appearing on behalf of the petitioners as Mr. D. Gogoi, learned standing counsel appearing on behalf of the Forest Department.

2. This is an application under Article 226 of Constitution of India whereby the petitioners have sought for setting aside and quashing order 10.09.2014 issued by the Chief Conservator Forest Northern Assam Circle, Tezpur and also for a direction that the land in question be mutated in the name of the petitioners.

3. The facts of the instant case is that the petitioners upon making certain payment to one Regtu Cheru and Lagan Cheru claim to have acquired rights in respect to a plot of land admeasuring 13 ½ Bighas covered by Dag No.171 under Mouza Kaki Kisan, Rampur Forest Village Kaki in the year 1992. No document however has been



placed on record as to on what basis the petitioners claim to have acquired the said land from the said Regtu Cheru and Lagan Cheru.

4. The facts are admitted that since 1992 petitioners are in possession of the land. The petitioners had filed an application on 03.03.2014 before the Divisional Forest Officer, Nagaon, Hojai for mutating the said land of 13 ½ Bighas amongst the three petitioners in equal proportion by recognizing the transfer being made by Late Rengtu Cheru in the year 1992 in favour of the petitioners.

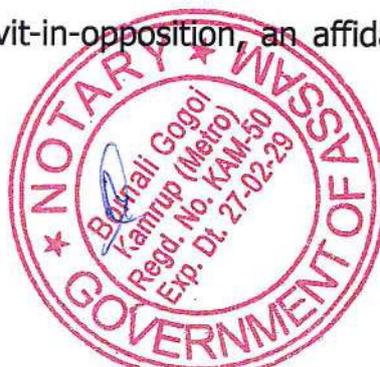
5. To the said application, the Divisional Forest Officer, Nagaon who is respondent no. 3 by the communication dated 13.08.2014 to the respondent no. 2 sought for instructions as to whether the mutation process can be carried out or not. Pursuant thereto 10.09.2014, the Chief Conservator of the Forest (the Respondent no.2) by the communication issued to the respondent no. 3, observed that Act of mortgage of land and the claim of right over the land in question by the petitioners appears to be irregular and legally not permissible. It was also observed that the orders which have been passed by Executive Magistrate, Sankardev Nagar and the Additional Session Judge, Nagaon and in proceedings under Section 145 was without arraying the DFO, Nagaon, South Division, Hojai who is in-charge of the Kaki Reserve Forest as a party to the said litigation. It is also observed that the status of the land in question being a Reserve Forest (Kaki RF) irregular allotment of land to a particular individual would amount to violation of the provisions contained under the Forest (Conservation) Act' 1980 as well as provisions contained in Assam



Forest Regulation 1891. The respondent no. 2 further directed the respondent no. 3 that on the basis of the instructions so provided vide the communication dated 10.09.2014 to submit a detailed report on the follow up action taken by the respondent no. 3 in the said matter. Subsequent thereto various notices were issued to the petitioners to appear before the authorities concerned and produce the records.

6. The petitioners thereafter, approached this Court by way of the instant writ petition. To the said writ petition, the respondent no.3 have filed affidavit-in-opposition. In the said affidavit-in-opposition, it has been mentioned that the land wherein the petitioners are seeking allotment or mutation is a land falling under the Rampur Forest Village in the Kaki Reserve Forest and the said Reserve Forest was notified vide notification no. 3266R dated 06.08.1914 and thereafter, vide no. 1021G-J, 12.02.1941 and vide no. GFR.134/47/68 dated 21.03.1949. It was also mentioned that the Rampur Forest Village was constituted during 1955 with an area of 419.30 hectares for 1912 households. The further stand taken by the respondent authorities in their affidavit-in-opposition was that the occupation of the land of the petitioners since 1992 is in violation to the Rules for Establishment and Control of Forest Villages that was framed under Section 72 (e), 74 and 75 of Assam Forest Regulation Act' 1891. It is also the stand that after the enactment and coming into force of the Schedule Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 w.e.f. 31.12.2007, the granting of allotment to the petitioners cannot be done in view of the bar contained in the said Act.

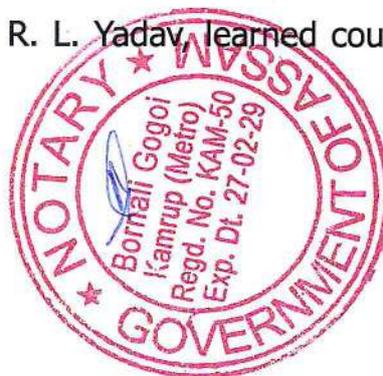
7. To the affidavit-in-opposition, an affidavit-in-reply was filed by



the petitioners, wherein it was stated that the petitioners have been in possession of land since 1992 and the provisions of the Schedule Tribe and other Traditional Forest Dwellers (Recognition of Forest Rights) Act' 2006 (hereinafter for short referred to as Act' 2006) is not applicable to the case of the petitioners. Further to that it has been alleged in the affidavit-in-reply that irrespective of the said Act of 2006 coming into force the respondent authorities on 02.07.2014, 02.03.2016 and 31.07.2013 have granted allotment as well as mutation in favour of a similarly situated persons like the petitioners.

8. I have heard learned counsel for the parties.

9. Mr. R. L. Yadav, learned counsel appearing on behalf of the petitioners submits that the respondent authorities have been granting allotments to similarly situated persons like the petitioners and as such the petitioners are entitled to allotment of the land in question. He submits that the non-allotment and non-mutation of the land in favour of the petitioners as sought for vide its communication dated 03.03.2014 violates the mandate of Article 14 in as much as the petitioners who are similarly situated with other allottees have been differently treated. He further submits that by virtue of proviso of Section 22 of the Assam Forest Regulation 1891, a right has accrued upon the petitioners over the land on the transfer being made in the year 1992 and said right ought to be recognized by the authorities concerned by granting the allotment as well as the subsequent mutation as have been done to the similarly situated persons. Apart from the above, Mr. R. L. Yadav, learned counsel appearing on behalf



of the petitioners further submits that land in question is a village forest and the same has to be dealt with in terms with the Chapter III of Assam Forest Regulation 1891.

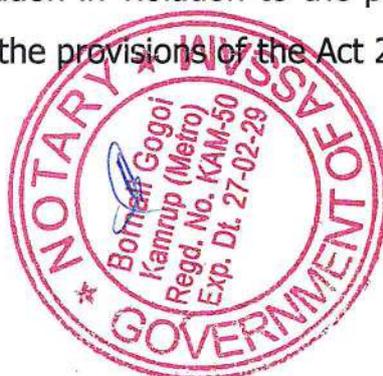
10. On the other hand, Mr. D. Gogoi, learned standing counsel, Forest Department submits that the land in question wherein the petitioners have sought for allotment is a Reserve Forest land and as such, the same has to be dealt with in terms with the provisions of Chapter-II of the Assam Forest Regulation 1891. He submits that a perusal of Section 21 and 22 would show as to when there can be an acquisition of right over reserve forests and in respect to the instant case he submits that the petitioners do not come within the exceptions of Section 21 and 22 of the said Regulation. He also draws the attention of this Court to the provisions of Forest (Conservation) Act' 1980 and more particularly to Section 2 wherein there is bar upon the State Government to assign by way of lease or otherwise to any private persons or to any Authority, Corporation, Agency or any other organization not owned or managed or controlled by the Government without obtaining the prior approval of the Central Government.

11. He also refers to the provisions of the Act of 2006 and submitted that this Act of 2006 has been enacted to recognize and vest the forest rights and occupation in forest land in Forest Dwelling Schedule Tribes & Other Traditional Forest Dwellers who have been residing in such forests for generations but whose rights could not be recorded as well as to provide for a frame work for recording the forest rights so vested and the nature of evidence required for such



recognition and vesting in respect to the forest land. He submits Section 2 of the Act of 2006 contains the various definitions. Section 2 (c) defines Forest Dwelling Scheduled Tribal, and Section 2 (o) defines "Other Traditional Forest Dweller". "Forest Land" is defined in Section 2 (d) and "Forest Rights" is defined in Section 2 (e). The learned counsel therefore submits after the enactment of the said Act of 2006, Forest Rights can be vested and recognized only upon the persons coming within the ambit of Section 2 (c) and 2 (o) and the petitioners admittedly do not come within the ambit of both the Sections and as such, the petitioners do not have a right to claim settlement/ allotment in respect to the land in question which admittedly is a Forest Land. He also referred to the Schedule Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules 2007 (for short the Rules of 2007) and refer to Rule 13, which pertains to the evidence of determination of the Forest Rights. He submits that there is a mechanism as per the Rules of 2007 as to how a person can be vested with the rights in respect to Forest Villages.

12. As regards the various documents placed on record by the petitioners through affidavit-in-reply wherein it could be seen that the Divisional Forest Officer have recognized after coming into force of the Act of 2006 have granted mutation. He submits that from a perusal of the said orders it is not know on what basis and considerations the said orders have been passed. But contends that the petitioners cannot claim a right for equal treatment on the basis that some persons have been granted mutation in violation to the provisions of the Regulation of 1891 as well as the provisions of the Act 2006.



13. I have heard the learned counsels for the parties and also have perused the materials on records.

14. The admitted facts in the instant case is that the petitioners have come into possession of the land in question in the year 1992 and has been possessing the said land thereafter. The petitioner is absolutely silent as regards how the petitioners came in possession of the land in question except mentioning that some documents were executed by one Regtu Cheru and one Lagan Cheru. What the petitioners espouses by way of the instant writ petition is that the respondent authorities should recognize the petitioner's right in respect to the land in question and contends before this Court to issue directions in that regard without placing on record any documents on the basis of which the petitioners claim such relief. In fact, the very edifice of the petitioners' rights has not been stated.

15. Now the question before this Court is as to whether the authorities were justified in not recognizing the rights of the petitioner in respect to the land in question and in that regard it would be relevant to take note of Section 21 and 22 of the Assam Forest Regulation 1891 which is quoted herein below:

"21. Acquisition of right over reserved forests. - No right of any description shall be acquired in or over a reserved forest, except by succession or under grant or contract in writing made by, or with the previous sanction of, the State Government or some person on whom such right, or the power to create such right, was vested when the notification under Section 17 was published.



22. Alienation of right in reserved forests. -

(1) Notwithstanding anything herein contained no right continued under Section 13 shall be alienated by way of grant, sale, lease, mortgage or otherwise without the previous sanction of the State Government.

Provided that, when any such right is continued for the beneficial enjoyment of any land or building, it may be sold or otherwise alienated with such land or building without such sanction.

(2) The benefit of any right continued under Section 13 shall not be leased, sold or bartered, except to the extent defined by the order recorded under that section."

16. A conjoint reading of above quoted provisions shows that no right of any description shall be acquired in or over a Reserve Forest except by succession or under grant or contract in writing made by or with the previous sanction of the State Government or some person on whom such right or the power to create such right was vested when the notification under Section 17 was published. In this regard, it is relevant to mention that Section 17 of the Regulation has to be read with Section 5 & 6 and thereby every one claiming any right in terms with Section 5 has to file an application before such Officer and within such period as prescribed. Admittedly, the exceptions mentioned in Section 21 of the Regulation is not applicable to the petitioners.

17. Section 22 stipulates that notwithstanding anything contends no right continued under Section 13 shall be alienated by way of grant, sale, lease, mortgage or otherwise without the previous sanction of the State Government. The proviso stipulates that when any such right is continued for the beneficial enjoyment of any land or building it may



be sold or otherwise alienated with such land or building without such sanction. Sub Section (2) of the Section 22 stipulates that the benefit of any right continued on Section 13 shall not be leased, sold or bartered except to the extent defined by the order recorded under that Section. Therefore, a conjoint reading of both the Sections would show that for the purpose of acquisition of any right over the reserve forest the same has to be done either by succession or under grant of contract in writing made by or with the previous sanction of the State Government or on some person on whom such right or power to create such right was vested. Section 22 is in relation to a right under Section 13 which is a provision for the right of pasture or to forest produce and the same also cannot be alienated by way of grant, sale, lease, mortgage or otherwise without the previous sanction of the State Government.

18. Apart from the Forest Regulation, it is also relevant to take note of the provisions of the Act of 2006 Section 2 (c) as aforementioned defines the term "Forest Dwelling Schedule Tribal" and Section 2 (o) defines Other Traditional Forest Dwellers". Both the definitions are quoted herein below:

"Section 2(c) - "forest dwelling Scheduled Tribes" means the members or community of the Scheduled Tribes who primarily reside in and who depend on the forests or forest lands for bonafide livelihood needs and includes the Scheduled Tribe pastoralist communities;

Section 2 (o) - "other traditional forest dweller" means any member or community who has for at least three generations prior to the 13th day of December, 2005 primarily resided in and who depend on the forest or forests land for bona fide livelihood



needs."

19. Section 2 (d) defines the 'Forest Land' as any land of any description falling within any forest area and includes any Unclassified Forest, Un-demarcated Forest, Existing or Deemed Forest, Protected Forest, Reserve Forest, Sanctuaries and National Parks. Section 2 (f) defines 'Forest Village' to mean the settlement which have been established inside the forest by way the Forest Department of any State Government for forestry operations or which were converted into forest villages through the forest reservation process and include forest settlement villages, fixed demand holdings, all types of laungya settlements by whatever name called, for such villages and includes land for cultivation and other uses permitted by the Government.

20. Section 2 (e) defines 'Forests Rights' to mean the forest rights referred in Section 3. Section 3 relates to the forest right of Forest Dwelling Schedule Tribes & Other Traditional Forest Dwellers. Amongst the various rights it is relevant to take note of that the Rights of Settlement and Conversion of all forest villages, old habitation un-surveyed villages and other villages in forest whether recorded, notified or not into revenue villages are one amongst many forest rights of the persons defined in Section 2 (c) and 2 (o) of the Act of the 2006.

21. Section 4 of the Act 2006 stipulates the recognition and vesting of forest right upon the persons defined in Section 2 (c) and 2 (o). Section 4 (4) being relevant is quoted herein below:

"Section 4 (4) - A right conferred by sub-section (1) shall be

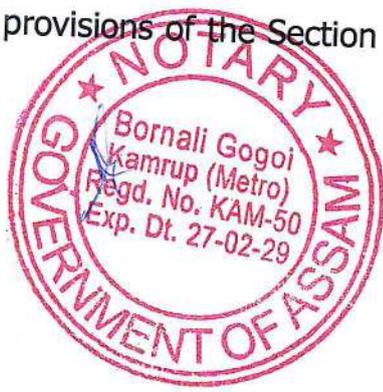


heritable but not alienable or transferable and shall be registered jointly in the name of both the spouses in case of married persons and in the name of the single head in the case of a household headed by a single person and in the absence of a direct heir, the heritable right shall pass on to the next-of-kin."

22. A perusal of the said sub Section (4) of Section 4 would show that right a conferred by sub Section (1) shall be heritable but not alienable or transferrable and shall be registered jointly in the name of both the spouses in case of the married persons and in the name of single head in the case of household head by a single person and in absence of a direct heir, the heritable right shall pass on to the next of the kin. The manner in which a person can apply and be vested with the forest rights is given in the Rules of 2007, but what is relevant to take note of that it is only the person(s) within the ambit of Section 2 (c) and 2 (o) who can claim a right in respect to a forest land.

23. In the backdrop of the above and taking into consideration the facts as well as the applicable law, it would show that the petitioners claim that he has come into possession of the land in question on the basis of execution of some document. From what the petitioners state in the writ petition and also contended by the learned counsel for the petitioners, it is not clear as to whether the same would come within the ambit of Section 21 or 22 of the Assam Forest Regulation 1891. The land in question though the reserve forest land but the provisions of the Transfer of Property Act 1882 and the Registration Act 1908 duly applies in so far as the instant case is concerned.

24. In view of the provisions of the Section 17 read with Section 49

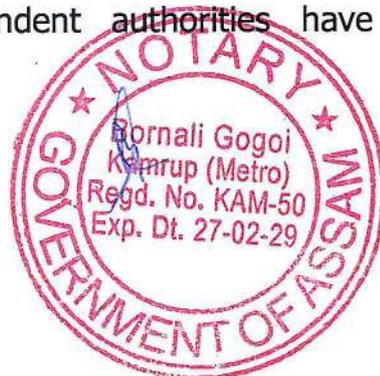


of the Registration Act when a right is created in respect to an immovable property, the said document is required to be registered and non-registration of the said document shall not affect the immovable property. The failure on the part of the petitioner to bring on record any document evidencing transfer in terms with the Registration Act, this Court is of the opinion that the petitioners have not acquired any right over the land in question. Under such circumstances, the petitioners cannot claim any right in terms of the Section 21 and 22 of the Assam Forest Regulation 1891.

25. The next question which arises as to whether the petitioner can claim right in view of the provisions of the Act of 2006. Admittedly the petitioners do not come within the definition of Section 2 (c) as the petitioners do not belong the Scheduled Tribe Community.

26. As regards whether the petitioners would come within the ambit of Section 2 (o), the petitioners have to be members of the community who has for at least three generations prior to 13.12.2005 primarily resided in and who depended in on the forest land for bonafide livelihood means. It being the case of the petitioners that the petitioners had purportedly acquired the land in question only in the year 1992, the petitioners also would not come within the ambit of Section 2 (o).

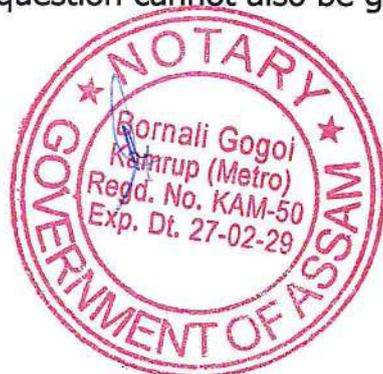
27. Under such circumstances, the petitioners do not have a legal right to seek settlement or allotment of the forest land and the concerned respondent authorities have rightly not granted the



settlement to the petitioners in respect to 13.5 Bighas of land of Dag 171 of Rampur Forest Village under Kaki Range District Nagaon, Assam. The communication dated 10.09.2014 assailed in the instant proceedings is also in consonance with the provisions of law and as such the same is not liable to be interfered with.

28. Further contention of the learned counsel for the petitioners that similarly situated persons have been granted allotment and as such, the petitioners should also be granted a similar treatment by the respondent authorities.

29. In the opinion of this Court, the said contention is misconceived in as much as this Court in exercise of power under Article 226 of the Constitution cannot permit an illegality to be committed on the ground that the respondent authorities have committed certain illegalities in respect to other allottees and consequently, the question for violation of Article 14 of the Constitution does not apply. Further to that, a perusal of the Act of 2006 stipulates who are the persons who can be recognized or vested with forest rights are the person who have been defined in Section 2 (c) and 2 (o) and a direction to the concerned respondent authorities to allot the land in question to the petitioners who admittedly would not come within the definition of Section 2 (c) and 2(o) would infringe the provisions of the said Act of 2006 and consequently the said direction for granting allotment to the petitioners of the land in question cannot also be granted.



30. Consequently, the instant petition being devoid of any merits is dismissed. No Costs.

JUDGE

Comparing Assistant



GAHC010122092023



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

Case No. : WP(C)/3243/2023

AUGUSTIN KRAMSA
(GAONBURHA) (KRAMSA MODEL VILLAGE, S/O SAMUEL KRAMSA, VILL-
NAHORJAN BLOCK NO. 1, MOUZA- BORAJAN, CIRCLE- DIPHU, DIST-
KARBI ANGLONG, ASSAM, PIN-782460

VERSUS

THE STATE OF ASSAM AND 10 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, HOME DEPARTMENT, DISPUR, GUWAHATI-6

2:THE KARBI ANGLONG AUTONOMOUS COUNCIL
REPRESENTED BY THE CHAIRMAN
DIPHU
KARBI ANGLONG
ASSAM
PIN-782460

3:THE DEPUTY SECRETARY
DEPARTMENT OF REVENUE
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
ASSAM
PIN-782460

4:THE DEPUTY COMMISSIONER
KARBI ANGLONG AUTONOMOUS COUNCIL
ASSAM

5:THE REVENUE OFFICER
KARBI ANGLONG AUTONOMOUS COUNCIL
KARBI ANGLONG



ASSAM

6:THE ASSISTANT SETTLEMENT OFFICER
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
KARBI ANGLONG
ASSAM

7:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST
ASSAM
REHABARI
GUWAHATI-781001

8:SPL. PRINCIPAL CHIEF CONSERVATOR OF FORESTS
KARBI ANGLONG
DIPHU

9:ASSISTANT CONSERVATOR OF FOREST
I/C
CENTRAL RANGE
MANJA
KARBI ANGLONG EAST DIVISION

10:THE DIVISIONAL FOREST OFFICER
EAST DIVISION
DIST- KARBI ANGLONG
DIPHU

11:THE DIVISIONAL FOREST OFFICER
EAST DIVISION
DIST-KARBI ANGLONG
DIPH

Advocate for the Petitioner : S BORGHAIN

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

06.06.2023

Heard Mr. S. Borgohain, learned counsel for the petitioner as well as Mr.



K. Gogoi, learned Addl. Senior Govt. Advocate appearing for the respondent nos.1 and 4 as well as Mr. J. Chutia, learned standing counsel for the KAAC appearing for the respondent nos.2, 3, 5, 6, 8, 9, 10 and 11. It is submitted that the respondent nos.10 and 11 are same. Mr. D. Gogoi, learned standing counsel for the respondent no.7.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioner is seeking quashing of the letter dated 29.05.2023 issued by the respondent no.8 concerning eviction which is sought to be carried out in A.K. Model Village.

3. In brief, the case of the petitioner is that his predecessors-in-interest had settled in Nahorjan Block No.1, Mouza-Borjan, Circle-Diphu under the district of Karbi Anglong, which is a periodic patta land and that the Model Village set up by him is under the name and style of Kramsa Model Village and also known as A.K. Model Village. Alleging that the petitioner had grabbed the forest land area, an eviction drive was initiated by respondent no.2 previously on 27.11.2017 and the petitioner had approached this Court by filing WP(C) 2545/2018 and this Court by an order dated 18.09.2018 observed as follows:

"7. In the aforesaid premises, this Court is of the view that the petitioner is having his right. The title and interest over patta land cannot be evicted from the same by the authorities in the KAAC without following the due procedure of law. But on the other hand, if the petitioner is also in occupation of any further or additional land beyond his patta land and more so, if such land is located within the forest area of the KAAC, under the law, there cannot be any bar from evicting the petitioner from such land by following the procedure of law. 8. Further this Court is also of the view that the land right within the KAAC area being protected under the law to which only the indigenous people are entitled for a settlement, the petitioner cannot bring in any person from any area outside the KAAC area and by taking advantage of his patta land allowing them to settle therein.



9. Accordingly, this writ petition stands disposed of by providing that the respondent in the KAAC shall not indulge in evicting the petitioner from his declared patta land without following due procedure of law, which again would mean that there shall not be any bar on the part of the KAAC authorities to evict the petitioner from any land, other than his patta land, which may be under his occupation, be it a land within the forest area or otherwise and in doing so, the authorities would follow the procedure of law.
10. An allegation has also been raised by the petitioner that certain residential structures of the petitioner standing over the patta land had also been demolished and damaged by the authorities for which he is entitled to compensation.
11. Accordingly, this Court is of the view that if the residential structures over the patta and have been illegally damaged by the authorities in the XAAC, the petitioner would be at liberty to approach the appropriate forum as may be advised for claiming such damages by establishing that he had residential structures standing on his patta land and the same were legally damaged by the authorities.
12. As regards the allegation that the petitioner is indulging in settling persons from some other States over his patta land, it is provided that under the law, as applicable to the Karbi Anglong district, the petitioner cannot settle any person over his patta land if such person is otherwise under the law not entitled to a settlement of land in the Karbi Anglong district.
13. Accordingly, in the event, the authorities are of the view that the petitioner had settled any person who is not entitled to a settlement of land in Karbi Anglong, over his patta land. The authorities will be at liberty to evict and remove such persons under the law.
14. It is stated that in the resultant process, the respondents are not allowing the petitioner to construct his residential structures over his patta land. To that extent, it is provided that the respondents in the KAAC shall undertake a survey and identify the patta land of the petitioner and demarcate it and upon doing so, shall not prevent the petitioner from undertaking any construction over his patta land upon such demarcation being made.

In terms of the above, the writ petition stands disposed of."

4. The learned counsel for the petitioner has submitted that till date a boundary demarcation exercise was never carried out by the respondent authorities in terms of the order dated 18.09.2018 passed in WP(C) 2545/2018. It is submitted that once again an eviction drive has been initiated by virtue of a letter dated 29.05.2023 and no individual notices have been given for carrying out the eviction drive. It is submitted that from the contents of the said letter it



appears that it is a warning to the concerned officials to carry out the eviction drive within the prescribed time lines. Hence, it is submitted that the manner in which the petitioner is sought to be evicted is illegal and arbitrary.

5. The learned Addl. Senior Govt. Advocate, the learned standing counsel for the KAAC and the learned standing counsel for the Forest Department, supplementing each other have submitted that a notification dated 14.10.1969 was issued by the KAAC by which the land proposed in the schedule to the said notification was proposed as reserved forest. It is submitted by referring to the provisions of Mikir Hills District (Forest) Act, 1957 which had received the assent of the Governor of Assam on 25.12.1957, and published in the official Gazette on 04.12.1957, the KAAC had the power to constitute reserve forest at the disposal of the District Council which would be such forest which are not otherwise a Reserve Forest under the provisions of Assam Forest Regulations, 1891. It is submitted that the power to constitute reserve forest is prescribed under section 3 of the said Act and the exception clause is provided under section 1(2) of the said Act. It is submitted by referring to the decision of the Supreme Court of India in the case of *T.N. Godavarman Thirumulkpad Vs. Union of India and ors., (1997) 2 SCC 267*, that in para-4 of the said judgment, the Supreme Court of India has explained the scope of the definition of "forest land" which will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the Govt. record "irrespective of the ownership".

6. It is submitted that if a land is a forest land, the right of the person holding forest reserve land is only limited to certain right vested under the



Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest rights) Act, 2006. and 2007 Rules framed thereunder, except for which no right would have accrued for any person, and for the said purpose the decision of this Court in the case of *Dasharath Yadav and ors. Vs. The State of Assam & ors. in WP(C) 7263/2015 decided on 19.01.2022* was cited.

7. In reply, the learned counsel for the petitioner has referred to the case of *Hills Syndicate Vs. North Cachar Hills Autonomous Council and others (2000) 2 GLR 356*, to project that the KAAC would not have a right to declare any land as a proposed reserved forest.
8. Issue notice of motion returnable on 19.07.2023.
9. Requisite extra copies of the writ petition be served on the learned State and Departmental counsel in course of the day.
10. The factual aspects, necessary to consider the prayer for interim relief, has already been narrated herein before.
11. In so far as the prayer for interim stay is concerned, this Court by order dated 18.09.2018 passed in WP(C) 2545/2018 had already protected the interest of the petitioner by providing that the respondents in the KAAC shall not indulge in evicting the petitioner from his declared patta land without following due process of law and there shall not be any bar on the part of the KAAC authorities to evict the petitioner from any land, other than his patta land, which



may be under his occupation, be it a land within the forest area or otherwise and in doing so, the authorities are directed to follow due process of law.

12. The categorical statement of the learned standing counsel for the KAAC is that the KAAC would not be evicting the petitioner from any patta land and that the eviction drive shall continue only in respect of Doldoli Reserve Forest and Lahorijan proposed reserve forest, and/ or any other govt. land.

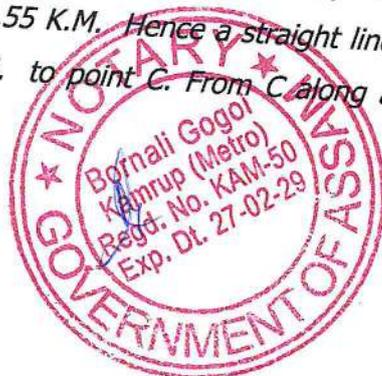
13. In this regard the Court is inclined to observe that the notification dated 14.10.1969 was to invite claims and objections in regard to declaring of the land containing in the Schedule appended thereto to be a District Council Reserve forest and therefore, the said notification is only for a proposed reserve forest.

14. The schedule of boundary is as follows:

SCHEDULE

1. District- United Mikir and North Cachar Hills.
2. Name of the Forest- Laharijan.
3. Approximate area-3608 Hectars.
4. Description of boundary-

East- From A. the meeting point of Dimapur-Hidipi Road and the District Council Road about 4 K.M. south of Hidipi, along the former south-wards upto 'B' distant of 2.55 K.M. Hence a straight line at a bearing of 1150° for a distance of 1.41 K.M. to point C. From C along a Nallah going south till it meets the



crossing point of Dimapur-Hidipi Road and Langlaso stream at point D. situated near Lalamati village. From point D at a bearing of 250 for a distance of 380 meters to point E. Then at a bearing of 160° to point F. at a distance of 780 metres. From F. at a bearing of 120° for a distance of 300 meters to point G. From G. at a bearing of 177° for a distance of 850 meters to point H. Thence along a village path towards Lengree village up to a point I at a distance of 140 metres.

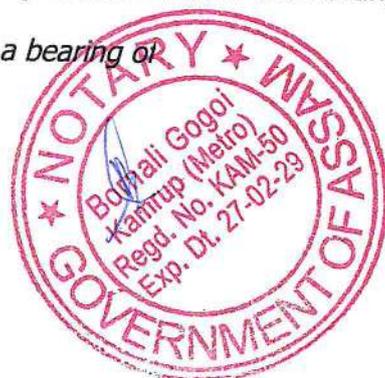
South- From the last named point I draw a straight line at a bearing of 270° meeting the Chotta-Lengree stream at point J at a distance of 1.53 K.M. Hence along the Chotta-Lengree upstream for a distance of 200 meters to point K. From point K at a bearing of 250 for a distance of 405 meters to point L. Then at a bearing of 180° to point M at a distance of 585 meters. From M at a bearing 210° to the point N at a distance of 345 metres. From N at a bearing of 250 for a distance of 840 meters to point O where it meets the Nahorijan stream. Thence along the Nahorijan down-stream upto point P at a distance of 225 metres. From P at a bearing of 250° for a distance of 360 meters to point Q on the Dimapur-Daboka Road at 115 meters east from K.M. Post No.10.

South-From Q along the Dimapur-Daboka P.W.D. Road west-ward for a distance 276 meters upto point R on the northern boundary of Daldali State Forest Reserve. Thence along the Reserve boundary till it again meets the P.W.D. Road at a distance of 1.57 K.M. at point S. Hence along the P.W.D. Road till it meets a culvert situated at 653 meters to the west of KM. post No.17 (Point T).

West- From T, a straight line at a bearing of 30 for a distance of 1.18 K.M. to point U. Then at a bearing of 15 till it meets the Arthemadong stream at point V at a distance of 1.05 K.M.

North-From point V along the Arthemadong upstream to its source W. Hence with the following course it meets the starting point A as:-

W to X at a bearing of 85 = 1.08 K.M.



X to Y at a bearing of 65 =1.28 K.M.

Y to A at a bearing of 35 =.54 K.M.

A to B at a bearing of 348 =.37 K.M.

At B, it meets the District Council Road and thence along the Council Road to the starting point A.

15. Accordingly, it is provided that in so far as the proposed forest reserve is concerned, only if a preliminary and final notification to declare the land covered by the said schedule has been issued, and the said land is squarely covered by District Council reserve forest notwithstanding the ownership with regard to the said land, it would be open to the KAAC to claim that such land was a reserve forest land, but not otherwise.

16. In the order dated 18.09.2018 passed in WP(C) 2545/2018, the Court had provided in para-14 thereof that the respondents in KAAC shall undertake a survey and identify the patta land of the petitioner and demarcate it and upon doing so, shall not prevent the petitioner from undertaking any construction over his patta land upon such demarcation being made.

17. The said exercise has to be carried out by the KAAC and brought to its logical conclusion to ensure that the petitioner is not threatened of being evicted without due process of law from his patta land. On a certified copy of this order being produced before the Deputy Secretary, Department of Revenue, KAAC (respondent no.3), the said authority shall ensure that within a time bound period of 1(one) month, the patta land of the petitioner shall be

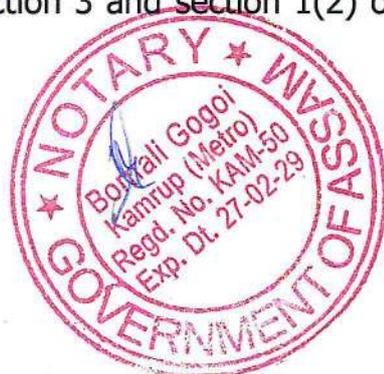


demarcated from the government and forest land.

18. In the exercise to be carried out by the Revenue officials of KAAC for demarcation of land, the petitioner shall extend all cooperation by providing the authorities with a copy of his patta and other land documents within a period of 7(seven) days from today and on receipt of a certified copy of this order along with the documents, such an exercise shall be carried out within next 30 days.

19. In so far as the District Council reserve forest and the State reserve forest is concerned, the pendency of this writ petition shall not be a bar for the respondent authorities to carry out the eviction drive. However, in doing so the authorities shall ensure that no part of the patta land of the petitioner is usurped in the name of eviction drive. The area within which the eviction drive is carried out shall be documented and a copy thereof be produced before the Court through their learned standing counsel.

20. An issue was raised by the learned counsel for the petitioner to the effect that the KAAC would not have a right to declare any land as a forest land. Although finding of fact is not being returned, but the *prima facie* view of this Court is that as the Forest is a transferred subject to the KAAC under Schedule-VI of the Constitution of India, under the provisions of Para-3(1)(b) of the said schedule, the KAAC appears to be empowered to make laws on the management of any forest, not being a reserved forest, which appears from conjoint reading of section 3 and section 1(2) of the Mikir Hills District (Forest) Act, 1957.



21. List the matter on 19.07.2023.

JUDGE

Comparing Assistant

