

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

Original Application No. 88/2025/EZ

Sri. Uttam Bathari ...Applicant(s)

Versus

State of Assam & Others ...Respondent(s)

INDEX

Sl.No.	Particulars	Page No.
1.	Additional Affidavit on behalf of the Applicant	1 – 4
2.	Annexure–A/1: Copy of Notification No. 2582R dated 22.10.1923	5 – 8
3.	Annexure–A/2: Copy of Notification No. 2478R dated 16.08.1933	9 – 12
4.	Annexure–A/3: Copy of Notification No. AFR.128/51/10 dated 04.07.1951	13 – 16

Date: 26.05.2025

Filed by:

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Place: Guwahati

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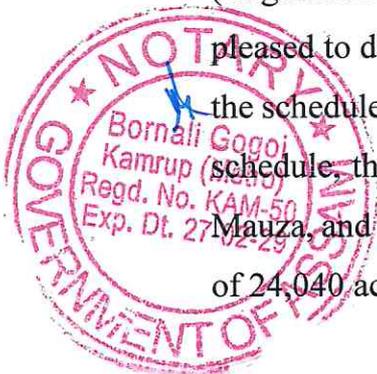
Versus

State of Assam & Others ...Respondent(s)

Additional Affidavit on behalf of the Applicant

I, Sri. Uttam Bathari, son of Sri. Hiru Bathari, aged about 50 years, resident of G-7H, Protech Park, Upper Hengrabari, Police Station – Dispur, Guwahati 781036, Assam, do hereby solemnly affirm and state as under:

1. That it is most respectfully submitted that the Applicant inadvertently could not bring on record certain documents, more particularly the notifications regarding declaration of Daldali Reserve Forest, and subsequent notifications regarding an addition as well as de-reservation of certain plot of lands from the said Daldali Reserve Forest. Therefore, a prayer was made before this Hon'ble Court on the last occasion, i.e., 22.05.2025 to place the aforesaid documents on record within a week's time, which was allowed by this Hon'ble Court.
2. That the notification bearing **No. 2582R dated 22.10.1923** was issued by G.E. Soames, the then Second Secretary to the Government of Assam, in exercise of the powers conferred under Section 17 of the Assam Forest Regulation, 1891 (Regulation VII of 1891). By the said notification, the Governor in Council was pleased to declare that, with effect from 1st December 1923, the land described in the schedule annexed thereto was to be constituted as a reserved forest. As per the schedule, the said land is situated in the Nowgong District, within the Langpher Mauza, and is designated as the Daldali Forest, encompassing an approximate area of 24,040 acres.



A copy of the Notification No. 2582R dated 22.10.1923 is annexed as Annexure-A/1.

3. That a notification bearing **No. 2478R dated 16.08.1933** was issued by W.A. Cosgrave, the then Chief Secretary to the Government of Assam, in exercise of the powers conferred under Section 17 of the Assam Forest Regulation, 1891 (Regulation VII of 1891). By the said notification, the Governor in Council was pleased to declare the land described in the schedule annexed thereto to be reserved forest with effect from 1st October 1933.

It is respectfully submitted that the said notification dated No. 2478R dated 16.08.1933 is part of the averments at paragraph 4 of the original application and recorded in order dated 22.05.2025 of this Hon'ble Court. Hence, with the issuance of the earlier notification dated 22.10.1923 and the present notification dated 16.08.1988, the total area of the Daldali Reserved Forest stands at approximately 30,953 acres.

A copy of the Notification No. 2478R dated 16.08.1933 is annexed as Annexure-A/2.

4. That a notification bearing **No. AFR. 128/51/10 dated 04.07.1951** was issued by A.N. Bhattacharjee, the then Secretary to the Government of Assam, Revenue Department. In exercise of the powers conferred under Section 28 of the Assam Forest Regulation, 1891 (Regulation VII of 1891), as amended by the Assam Forest (Amendment) Regulation III of 1912, the Governor of Assam was pleased to declare that certain areas, which had earlier been declared as Reserved Forests under Notification No. 2582-R dated 22nd October 1923 issued under Section 17



26 MAY 2025

of the said Regulation, shall cease to be Reserved Forests with effect from the date of publication of the notification. The said notification resulted in the exclusion of 386 acres from Plot No. I and 91 acres from Plot No. II, i.e., total 477 acres, thereby reducing the total area of the Daldali Reserved Forest to approximately 30,476 acres, i.e., 30,953 less (-) 477 acres. Furthermore, Daldali Reserve Forest under Langpher mouza, which was earlier in Nowgaon district, subsequently came under the jurisdiction of Karbi Anglong district.

A copy of the Notification No. AFR.128/51/10 dated 04.07.1951 is annexed as **Annexure-A/3.**

5. That the deponent further states that the Hon'ble Supreme Court of India, in a recent judgment dated 15.05.2025 in W.P(C) No 202 of 1995 In Re: T.N Godavarman Thirumalpad v. Union of India & Ors., with W.P(C) No. 301 of 2008 with I.A No. 9108 in W.P(C) No. 301 of 2008, directed as follows:

“(v) We further direct the Chief Secretaries of all the States and the Administrators of all the Union Territories to constitute Special Investigation Teams for the purpose of examining as to whether any of the reserved Forest Land in the possession of the Revenue Department has been allotted to any private individuals/institutions for any purpose other than the forestry purpose.”

Be it stated that the illegal encroachment in Daldali Reserve Forest is not only required to be stopped, and encroachers are evicted forthwith, but also if any reserved forest land is in possession of the Revenue Department under Karbi Anglong Autonomous Council or with Nagaland government, wherein allotment has been given to any private individual/institutions, then the possession of such lands are required to be taken back and handed over to the concerned Forest Department in terms of the above-mentioned judgment dated 15.05.2025 of the Hon'ble Supreme Court of India.



26 MAY 2025

The applicant/deponent crave leave of this Hon'ble Court to refer and rely upon the aforesaid judgment at the time of hearing.

6. That in view of the above facts and circumstances, the applicant herein humbly submits that this Hon'ble Court may be pleased to take the present Additional Affidavit on record, for which the applicant herein shall ever pray.
7. That the statements made in this affidavit are true to my knowledge, as well as the annexures enclosed herewith are true copies of the original, and the rest are my humble submissions before this Hon'ble Court.

Utkam Barthari

Deponent

Verification

Verified at Guwahati on the 26th day of May 2025, that the contents of the affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

Utkam Barthari

Deponent



26 MAY 2025

The 22nd October 1923

No. 2502R.- In exercise of the powers conferred by section 17 of the Assam Forest Regulation, 1891 (VII of 1891), the Governor of India is pleased to declare the land described in the schedule hereinto attached to be reserved forest from 1st December 1923 :-

SCHEDULE

District :- Nowgong

Pargana of other sub-divisions :- Langpher Mauza

Name of Forest :-

Daldali Forest

Approx. area in acres :-

24,040 Acres.

Descriptions of Boundaries :-

North :- From the Tin Bungalow on the old Dimapur cart road southwards along that road to the point where the boundaries of the districts of Nowgong, Sibesar and Naga Hills meet.

East :- Thence along the Naga Hills Dist. boundary to the northern boundary of the Rongpahar village on the Assam-Bengal Railway.

South :- Thence along the northern and western boundaries of the Rongpahar village to the Assam-Bengal Railway line; thence along that line to mile post 402; thence northwards along a demarcated line at right angles to the Railway line to boundary pillar No. 10; thence westwards along a demarcated line parallel to the Railway line and north of the existing cultivation of the Langthailo village to boundary pillar No. 9; thence southwards along a demarcated line at right angles to the Railway line to the Assam-Bengal Railway at telegraph post No. 400/16; thence westwards along the Assam-Bengal Railway line to the Horu Langthailo stream at Dhansiri Railway station.

Thence up the Horu Langthailo stream to its western source; thence along the Dhansiri-Hafjan path to the eastern source of the Hafjan stream; thence down the Hafjan stream for about a mile and a quarter to where the path turns abruptly to the west; thence along the Dhansiri-Hafjan path for about a mile and a quarter to where the path turns abruptly to the west; thence along a demarcated line northwards to the Tin Bungalow.



26 MAY 2025

The following concessions revocable at will of Govt. are hereby granted to the villagers of Langthailo, Daldoli and Rongapahari-

(1) Fishing in the stream and hills within the reserve on condition that the streams are not permanently dammed or diverted.

(2) Grazing of cattle on condition that (1) no professional grazier shall be permitted to graze within the reserve and (2) no damage is done to the regenerated areas.

(3) Extraction of Forest produce other than reserved trees for their own use, but not for sale or barter, on condition that they clear annually the portion of boundary of the reserve as ordered by the Divisional Forest Officer.

(4) Use of the Dhansiri-Hafjan path. This concession is granted to the public also.

Sd/-

G.E. SOAMES,
Second Secretary to the Govt. of Assam.



26 MAY 2025

TYPED COPY OF ANNEXURE- A1The 22nd October' 1923

No. 2582R- In exercise of the powers conferred by section 17 of the Assam Forest Regulation, 1891 (VII of 1891), the Governor of India Council is pleased to declare the land described in the schedule here-into attached to be reserved forest from 1st December'1923

SCHEDULE

District :- Nowgong

Pargana of other sub-divisions- Langpher Mauza

Name of forest:- Daldali Forest

Approx. area in acres :- 24,040 Acres.

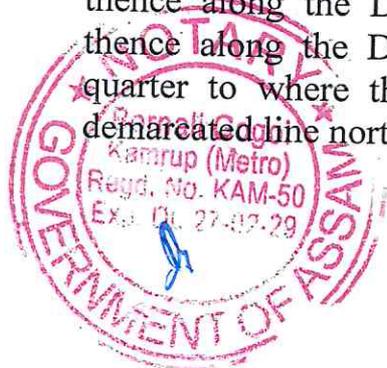
Descriptions of Boundaries:-

North :- from the Tin Bungalow on the old Dimapur cart round south-east wards along that road to the point where the boundaries of the districts of Nowgong, Sibsagar and Naga Hills meet.

East :- Thence along the Naga Hills Dist. Boundary to the northern boundary of the Rongapahar village on the Assam-Bengal railway.

South :- Then along the northern and western boundaries of the Rongapahar viillage to the Assam-Bengal Railway line, thence along that line to mile post 402, thence northwards along a demarcated line at right angles to the Railway line boundary pillar no. 101(blur) thence west towards along a demarcated line parallel to the Railway line and north of the existing cultivation of the Langthallo village to boundary pillar no.9, thence southwards along a demarcated line at right angles to the railway line to the Assam-Bengal Railway at telegraph post No. 400/16, thence west-wards along the Assam-Bengal Railway line to the Horu Langthallo stream at Dhanairi Railway station.

West :- Thence up the Horu Langthallo stream to its western source, thence along the Dhanari-Harjan path to the eastern course of the Hafjan stream, thence down the Hafjan stream for about half a mile, thence along the Dhansiri-Hafjan stream for about half a mile, thence along the Dhansiri- Hafjan path for about a mile and a quarter to where the path turns abruptly to the west, thence a demarcated line northwards to the Tin Bungalow.



26 MAY 2025

The following concessions revocable at will of Govt. are hereby granted to the villagers of Langthallo, Daldoli and Rongapahar-

- 1) Fishing in the stream and bils within the reserve on condition that the streams are not permanently dammed or diverted.
- 2) Grazing of cattle on condition that (1) no professional grazier shall be permitted to graze within the reserve and (2) no damage is done to the regenerated areas.
- 3) Extraction of Forest produce other than reserved trees for their own use, but not for sale or barter, on condition that they clear annually the portion of boundary of the reserve as ordered by the Divisional Forest Officer.
- 4) Use of Dhansiri-Hafjan path. This concession is granted to the public also.

Sd/-
G.E. SOAMES,
Second Secretary to the Govt. of Assam.



26 MAY 2025

-- 131 --

The 16th August 1933.

No. 2478R.—In exercise of the powers conferred by section 17 of the Assam Forest Regulation, 1891 (VII of 1891), the Governor in Council is pleased to declare the land described in the Schedule hereto attached to be reserved forest with effect from the 1st October 1933.—

SCHEDULE.

Forest.	Name.	Name of forest.	Approximate area, in acres.	Description of boundaries.
1	2	3	4	5
Newgong	Langpher mata	Addition to the Daldali Reserve.	6913	<p>North.—From the confluence of the Haf Jan and the Setangthibi rivers, the latter stream up to a point where a demarcated line 1 mile 24 chains long on map (2 miles 54 chains on ground) with a B. N. of 700° degrees cut from boundary pillar 45 of the existing Daldali Reserve meets it, thence the said demarcated line to boundary pillar 46 of the Daldali Reserve.</p> <p>East.—The western boundary of the Daldali Reserve from boundary pillar 45 to where it meets the Haf Jan.</p> <p>South and West.—From the last mentioned point the Haf Jan to the south-east corner of Haf Jan village situated about half a mile below the confluence of the Rohkong and the Haf Jan, thence a demarcated line cut in a north-easterly direction for a distance of 10 chains; thence a demarcated line 17 chains long cut in a north-westerly direction, and roughly parallel to the Haf Jan; thence a demarcated line running in a south-westerly direction for a distance of 8 chains to meet the Haf Jan; thence the Haf Jan to its junction with the Setangthibi River, the starting point of the northern boundary.</p>



W. A. COSGRAVE,

Chief Secretary to the Government of Assam.

26 MAY 2025

TYPED COPY OF ANNEXURE- A2*The 16th August 1933.*

No. 2478R.- In exercise of the powers conferred by section 17 of the Assam Forest Regulation, 1891(VII of 1891), the Governor in Council is pleased to declare the land described in the Schedule hereto attached to be reserved forest with effect from the 1st October 1933—

SCHEDULE

Forest	Mauza	Name of Forest	Area (blur)	Description of boundaries
3				
Nowgong	Langpher Mauza	Addition to the Daldali Reserve(blur)	6,913	<p>North. —From the confluence of the Haf Jan and the Satang rhibi....,the later stream upto a point where a demarcated line 1 mile 24 chains long on map, (2 miles 54 chains on ground) with a F.H of 260 degrees out from boundary pillar is of the existing Daldali Reserve meets it, hence the said demarcated line to boundary pillar of the Daldali Reserve.</p> <p>East— The western boundary of the</p>



26 MAY 2025

			<p>Daldali Reserve from boundary pillar 18 to where it meet the Haf Jan.</p> <p>South and West— From the last mentioned point the Haf Jan to the south-east corner of Haf Jan village situated about half a mile below the confluence of the Raideng and the Haf Jan, hence a demarcated line out in a north-easterly direction for a distance of 10 chains: hence a demarcated line line 17 chains long out in a north westerly direction, and roughly parallel to the Haf Jan: hence demarcated line running in a south westerly direction for a distance of 8 chains to meet</p>
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26 MAY 2025

				the Haf Jan: hence the Haf Jan to the junction with the Sabang Thibi Di.. the starting point of the northern boundary.
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W.A. COSGRAVE,
Chief Secretary to the Government of Assam.



26 MAY 2025

The 4th July 1951

No. AFR. 128/51/10- In exercise of the powers conferred by Section 28 of the Assam Forest Regulation, 1891 (VII of 1891) as amended by the Assam Forest (Amendment) Regulation III of 1912, the Governor of Assam is pleased to declare the area specified below which in Notification No. 2582-R., date 22nd Oct'1923, was declared to be Reserved Forests under Section 17 of Assam Forest Regulation VII of 1891, shall cease to be Reserved Forests with effect from the date of publication of the notification.

Name of Reserve or portion of Reserve disforested-Plot No. I of Daldoli Reserve.

District :- Nowgong.

Mauza :- Langfer

Area in acres:- 386 acres.

Name of Reserve or portion of the Reserve disforested Plot No. II of Daldoli Reserve.

District:- Nowgong

Mauza :- Langfer

Area in acres:- 91 acres.

Boundaries - Plot No. I :-

- North : From Ebunday pillar No.10 of the Original Reserve at a perpendicular distance of 43 chains from Railway mile post No.402^o the Assam Railway line, the boundary runs at a bearing of 55^o upto a distance of 98 chains where it meets the Bagdadisha Nala.
- East : From the above point the boundary runs along the right bank of Bagdadisha Nala downstream till it meets the Railway line.
- South : From the above point the boundary runs along the Railway line westwards for a distance of 68 chains 54 links to meet the mile post No.402.
- West : From the above pint the boundary runs northward at a right angle to the Railway line for 43 chains till it meets the boundary pillar No.10 the starting point.

Plot No. II

- North : From a point on the left bank of Langthailo Nala at a perpendicular distance of 43 chains from the Railway line the boundary runs at a bearing of 55^o upto a distance of 32 chains, 111 links where it meets the boundary pillar No.9 of the origin Reserve.



26 MAY 2025

East: From the above point the boundary runs southward at right angle to the northern boundary for 43 chains where it meets the Railway Telegraph Post No. 400/16 at distance of 23 chains 50 links to the west of mile post No. 401.

South: From the above point the boundary runs along the Railway line upto a distance of 11 chains, 30 links where the Langthallo Nala changes its course towards the east.

West: From above point the boundary runs along the left bank of the Langthallo Nala upstream till it meets the starting point.

Brief description of the area proposed for disforestation :-
The areas proposed for disforestation is really low lying suitable for wet rice cultivation and does not contain any valuable forests.

Reasons for disforestation:- The areas proposed for disforestation can be better utilised in production of food crop with this country needs very badly.

Sd/-
A. N. BHATTACHARJEE,
Secretary to the Govt. of Assam,
Revenue Department.



26 MAY 2025

TYPED COPY OF ANNEXURE- A3The 4th July'1951

No. AFR.128/51/10- In exercise of the powers conferred by Section 28 of the Assam Forest Regulation Act, 1891 (VII of 1891) as ascended by the Assam Forest (Amendment) Regulation III of 1912, the Governor of Assam is pleased to declare the area specified below which in Notification No.2582-R., dated 22nd Oct'1923, was declared to the Resrved forests under section 17 of Assam Forest Regulation Act Vii of 1891, shall cease to be Reserved Forests with effect from the date of publication of the notification.

Name of the Reserve or portion of Reserve disforested-Plot No. I of Daldoli Reserve.

District:- Nowgong

Mauza:- Langfer

Area in acres :- 386 acres.

Name of the Reserve or portion of Reserve disforested-Plot No. II of Daldoli Reserve.

District:- Nowgong

Mauza:- Langfer

Area in acres :- 91 acres.

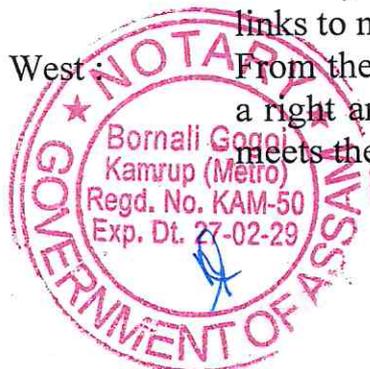
Boundaries – Plot no.I :-

North: From boundary pillar No.10 of the Original Reserve at a perpendicular distaince of 43 ohains from Railway mile post N0.402° the Assam Railway line, the boundary runs at a bearing of 55 ° upto a distance of 98 ohains where it meets the Bagdadisha Nala.

East : From the above point the boundary runs along the right bank of Bangladisha Nala downstream till it meets the Railway line.

South: From the above point the boundary runs along the Railway line westwards distance of 68 ohains 54 links to meet mile post No.402.

West: From the above pint the boundary runs northward at a right angle to the Railway line for 43 chains till it meets the boundary pillar No.10 the starting point.



26 MAY 2025

Plot no.II

- North: From a point on the left bank of Langthailo Nala at a perpendicular distance of 43 chains from the Railway line the boundary runs at a bearing of 55° upto a distance of 32 chains, 11 links where it meets the boundary pillar No.9 of the origin Recerve.
- East: From the above point the boundary runs southward at right angle to the northern boundary for 43 chains where it meets the Railway Telegraph Post No. 400/16 at distance of 23 chains, 50 links to the west of mile post no. 401.
- South: From the above point the boundary runs along the Railway line upto a distance of 11 chains, 30 links where the Langthailo Nala changes its course towards the east.
- West: From above point the boundary runs along the left bank of the Langthailo Nala upstream till it meets the starting point.

Brief description of the area proposed for disforestation:-

The areas proposed for disforestation is really low lying suitable for wet rice cultivation and does not contain any valuable forests.

Reasons for disforestation:- the areas proposed for disforestation can be better utilised in production of food crop with this country needs very badly.

Sd/-
A.N. BHATTACHARJEE
Secretary to the Govt. of Assam,
Revenue Department.



26 MAY 2025