



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

Original Application No. 05/2025/EZ

IN THE MATTER OF:

ATANU BORTHAKUR

...Applicant

VERSUS

UNION OF INDIA & ORS.

...Respondents

INDEX

Sl. Nos.	Particulars	Page Nos.
1.	Compliance Affidavit of the Respondent No. 5, State Environment Impact Assessment Authority, Assam pursuant to Order dated 08.07.2025 passed by the Hon'ble Tribunal.	1-6
2.	<u>Annexure-1</u> : A copy of the Order dated 14.02.2025 passed by the Hon'ble Gauhati High Court in PIL No. 29/2020 (and connected matters).	7-13



LINA BARUA  
NOTARY GOVT. OF ASSAM  
Kamrup (Metro) Guwahati  
Regd. No - KAM 37

30 AUG 2025

FILED BY:

*Lawyer Chandra Kumar*

Filed on:

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

**Original Application No. 05/2025/EZ**

**IN THE MATTER OF:**

**ATANU BORTHAKUR**

...Applicant

**VERSUS**

**UNION OF INDIA & ORS.**

...Respondents

**Compliance Affidavit of the Respondent No. 5, State Environment Impact Assessment Authority, Assam, pursuant to the Order dated 08.07.2025 passed by this Hon'ble Tribunal**

I, Sri Ramen Chandra Malakar , Son of Late Pran Chandra Malakar, aged about 59 years, presently working as the Member Secretary, State Environment Impact Assessment Authority, Assam having its office at Bamunimaidam, Guwahati, Assam – 781021, do hereby as deponent solemnly affirm and state as under:

*Ramen Chandra Malakar*

That, I am duly authorised by the State Environment Impact Assessment Authority, Assam (hereinafter referred to as "SEIAA") to depose this affidavit on its behalf in the present matter before the Hon'ble National Green Tribunal, Eastern Zone Bench at Kolkata. I am fully conversant with the facts of the case and I am competent to affirm the present affidavit.



LINA BARUA  
NOTARY GOVT. OF ASSAM  
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Regd. No - KAM-37

**30 AUG 2025**

2. That vide Order dated 08.07.2025, the Hon'ble Tribunal had directed the SEIAA to file affidavit at paragraphs 11 to 13 on the following 3 (three) aspects:

- a. Explaining the action taken by it on the admitted facts of the case in light of the law laid down by the Hon'ble Supreme Court in *State of Uttar Pradesh v. Gaurav Kumar*, C.A No. 14170/2024.
- b. Addressing the allegation of the application that approved DSR does not find place in the public domain or in the portal of the MoEF&CC or of the SEIAA.
- c. Remedial action taken by the SEIAA to remedy the alleged illegalities committed by it.

3. That in compliance with the aforesaid order, the Respondent No. 5 SEIAA humbly states and submits that the primary allegation in the application under consideration is that there is no DSR in the District of Udalguri. As such, no mining activity is permissible. In spite of this, gravel, stone and other minerals are being carried out in Udalguri. As detailed in the following paragraphs, the issue of finalization of DSRs has since been remedied.

4. That the SEIAA Assam has previously filed its affidavit dated 13.02.2025 in the instant matter wherein it has been clarified that as per records of SEIAA Assam, the DSR of the Udalguri District was yet to be approved.

It was further stated that the process for scrutiny of the draft DSR for Udalguri District is on-going.

That in the subsequent affidavit dated 09.06.2025 filed by the SEIAA Assam, it was stated that prior to 23.07.2024, no DSR for Udalguri District was available. After 23.07.2024, SEIAA Assam had granted



LINA BARUA  
NOTARY GOVT. OF ASSAM  
Kamrup (Metro) Guwahati  
Regd. No - KAM-37

30 AUG 2025

Ramesh Chandra Kumar

Environmental Clearance ("EC") to the following proponents in Udalguri District on detailed appraisal by the State Expert Appraisal Committee (SEAC), Assam:

Sl. No.	Project Proponent	Date of EC
1.	Shri Hari Baglari	14.10.2024
2.	Shri Jyotish Basumatary	14.10.2024
3.	Shri Jasobanta Bardoloi	08.01.2025

The aforementioned EC's were issued with the categorical condition that the mining area in question must be reflected in the DSR upon finalization. The EC was granted merely as a stop-gap/ad-hoc arrangement to meet the exigency of providing the minimum requirement of sand in the State. In the event that such a step was not taken at that point of time, the shortfall in the requirement of sand would have potentially been met by illegal mining. As such, the stop-gap arrangement was adopted only in the public interest to ensure that no impetus was provided to illegal sand mining which is equally threatening to the environment, ecology as well as law and order of the State.

6. Be that as it may, the pre-approval of the Draft DSR of Udalguri District was conducted by the SEAC Assam on 09.10.2024. The DSR has since been approved and is now available in the public domain through the official website, thus addressing the grievance of the applicant.

7. That it is humbly stated and submitted that the SEIAA Assam has adhered to the directions of the Hon'ble Supreme Court in *State of Bihar v. Pawan Kumar*, (2022) 2 SCC 348 in as much the Hon'ble Court had emphasized at paragraph 15 of the said judgment that in certain cases where DSRs are yet to be finalized, "certain necessary



LINA BARUA  
NOTARY GOVT. OF ASSAM  
Kamrup (Metro) Guwahati  
Regd. No - KAM-37

30 AUG 2025

Ramesh Chandra Barua

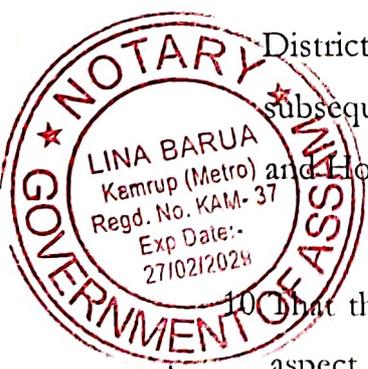
arrangements” may be permitted so that the State can continue with legal mining activities. This fair play in the joints was allowed in view of the fact that this would prevent illegal mining activities as well as ensure that the public exchequer is not deprived of its share in legalized mining. It may please be noted that the directions in *State of Uttar Pradesh v. Gaurav Kumar*, C.A No. 14170/2024 only came to be passed in 08.05.2025 by which time the process in question in the present case had already been crystallized.

8. That as such, it is humbly submitted that the primary grievance has already been remedied in the present case given the fact that the DSRs have been finalized and are available in the public domain through the official website. That it is further submitted that the ECs have been approved for projects in the public interest. For example, the EC issued on 08.01.2025 to Shri Jasobanta Bordoloi is for the development works of construction of Community Hall, Model School Building, Auditorium etc. As such, setting the clock back at the present stage by invalidating the conditional EC's granted previously would have a deleterious and irreversible impact on the public exchequer apart from giving an impetus to illegal mining which is antithetical to the principles affirmed by the Hon'ble Supreme Court.

9. That the SEIAA Assam affirms that all ECs granted for the Udalguri District are in compliance with the EIA Notification of 2006 and all subsequent amendments as well as the directives of the Hon'ble NGT and Hon'ble Supreme Court.

10. That the answering deponent further seeks to place on record a factual aspect which has not been placed before this Hon'ble Tribunal. The

Ramesh Chandra Narayan



LINA BARUA  
NOTARY GOVT. OF ASSAM  
Kamrup (Metro) Guwahati  
Regd. No - KAM-37

30 AUG 2025

jurisdictional High Court, viz. Hon'ble Gauhati High Court in a series of Public Interest Litigations ("PIL"), viz. PIL 29/2020, PIL 36/2020, PIL 39/2022, PIL 45/2020, PIL 36/2020 and PIL (Suo Moto) 1/2025 is in *seisin* of the issue of illegal mining activities across various districts of the State of Assam. The last Order dated 14.02.2025 is hereby placed on record for consideration of this Hon'ble Tribunal.

A copy of the Order dated 14.02.2025 passed in PIL 29/2020 (and connected matters) is annexed herewith and marked as Annexure - 1.

11. That in light of the averments made hereinabove, the answering respondent is ready and willing to comply with any directions passed by this Hon'ble Tribunal.

12. That the statements made in paragraph nos. 1 to 11 are true to the best of my knowledge and belief, and no part of it is false or concealed and the statements made in paragraph nos. 1 to 11 are information derived from record and the rest thereof are my humble submissions before this Hon'ble Court.



LINA BARUA  
NOTARY GOVT. OF ASSAM  
Kamrup (Metro) Guwahati  
Regd. No - KAM-37

Identified by  
*Biswajit Saha*  
Advocate  
Enr No...1669/24...

30 AUG 2025

*Ramesh Chandra Meena*

DEPONENT

GAHC010075832020



undefined

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

**Case No. : PIL/29/2020**

1: MRINMOY KHATANIAR AND ANR.  
S/O- LATE BIJOY CH KHATANIAR, R/O- NARIKALBARI PATH,  
MT ROAD, GUWAHATI- 781024

2: AMAR JYOTI DEKA  
S/O- LATE BHABENDRA NATH DEKA R/O- H NO. 20 NAMONI PATH KARBI  
PATH MOTHER TERESA PATH P.O- BAMUNIMAIDAM P.S- GEETANAGAR  
GHY- 21 ASSAM

VERSUS

1: UNION OF INDIA AND 9 ORS REP. BY THE SECRETARY TO THE GOVT OF  
INDIA, MIN OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, INDIRA  
PARYAVARAN BHAWAN, JORBAGH ROAD, NEW DELHI- 110003

2: MINISTRY OF ENVIRONMENT AND FOREST AND CLIMATE CHANGE  
NER OFFICE LAW U SIB LUMBATNGEN NEAR MTC WORKSHOP  
SHILLONG- 7930211

3: THE STATE OF ASSAM REP. BY THE PRINCIPAL SECRETARY TO THE  
GOVT OF ASSAM ENVIRONMENT AND FOREST DEPTT DISPUR  
GUWAHATI- 06

4: THE CHIEF SECRETARY TO THE GOVT OF ASSAM  
DISPUR SECRETARIAT COMPLEX GUWAHATI- 06

5: THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HEAD OF  
FOREST FORCE H BLOCK 2ND FLOOR JANATA BHAWAN DISPUR  
GUWAHATI- 781006 ASSAM

6: THE PRINCIPAL CHIEF CONSERVATOR OF FOREST (WILDLIFE) H BLOCK  
2ND FLOOR JANATA BHAWAN DISPUR GUWAHATI- 781006 ASSAM

7: NATIONAL BOARD FOR WILDLIFE REP. BY THE STANDING COMMITTEE

OF NATIONAL BOARD FOR WILDLIFE MIN OF ENVIRONMENT  
FOREST AND CLIMATE CHANGE (WILDLIFE DIVISION) 6TH FLOOR  
VAYU WING INDIRA PARYAVARAN BHAWAN JORBAGH ROAD NEW  
DELHI- 110003

8:STATE BOARD FOR WILDLIFE REP. BY ITS CHAIRMAN  
DISPUR SECRETARIAT COMPLEX GUWAHATI- 06

9:COAL INDIA LIMITED COAL BHAWAN PREMISE NO. 04 MAR PLAT NO  
AF-III ACTION AREA -1A NEW TOWN RAJARHAT KOLKATA- 700156

10:CHIEF GENERAL MANAGER NE COAL FIELDS COAL INDIA LIMITED  
SUB DIV MARGHERITA DIST- TINSUKIA ASSAM PIN- 786181

11:NATIONAL BIODIVERSITY AUTHORITY

12:STATE BIODIVERSITY BOARD ASSAM.

13:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM  
HOME AND POLITICAL DEPARTMENT ASSAM.

14:THE DIRECTOR GENERAL OF POLICE ASSAM POLICE DEPARTMENT  
ULUBARI GUWAHATI ASSAM-781007

**Linked Case : PIL/36/2020**

BASANTA DEKA  
S/O. LT. LOKNATH DEKA R/O. KARUNAMOYEE HOUSING APARTMENT  
M.C. ROAD UZAN BAZAR GUWAHATI-781003.

VERSUS

1: THE UNION OF INDIA AND 5 ORS.REP. BY SECRETARY MINISTRY OF  
ENVIRONMENT FOREST AND CLIMATE CHANGE (MoEF AND CC) GOVT. OF  
INDIA NEW DELHI.

2:THE NATIONAL BOARD OF WILD LIFE (NBWL) REP. BY THE  
CHAIRPERSON MINISTRY OF ENVIRONMENT FOREST AND CLIMATE  
CHANGE (MoEF AND CC) GOVT. OF INDIA NEW DELHI.

3:THE STATE OF ASSAM REP. BY ITS CHIEF SECRETARY  
ASSAM SACHIVALAYA DISPUR GUWAHATI-06.

4:THE ASSAM STATE BOARD FOR WILD LIFE (SBWL) REP. BY THE  
CHAIRPERSON DEPTT. OF ENVIRONMENT GOVT. OF ASSAM ASSAM  
SACHIVALAYA DISPUR GUWAHATI-06.

5:THE GENERAL MANAGER M/S COAL INDIA LTD. COAL BHAWAN  
PREMISE NO.004 MAR PLOT NO.AF-III ACTION AREA 1A NEWTON  
RAJARHAT KOLKATA-7000156.

6:THE GENERAL MANAGER M/S NORTH EASTERN COAL FIELDS LTD.  
COAL INDIA LTD. BLACK DIAMOND TOWERS G.S. ROAD GUWAHATI.

7:NATIONAL BIODIVERSITY AUTHORITY

8:STATE BIODIVERSITYBOARD ASSAM.

**Linked Case : PIL/39/2022**

1: MRINMOY KHATANAR AND ANR  
S/O. LT. BIJOY CH. KHATANAR R/O. NARIKALBARI PATH  
M.T. ROAD GUWAHATI-781024 ASSAM.

2: AMAR JYOTI DEKA  
S/O. LT. BHABENDRA NATH DEKA R/O. HOUSE NO.20 NAMONI PATH KARBI  
PATH MOTHER TERESA PATH P.O. BAMUNIMAIDAM P.S. GEETANAGAR  
GUWAHATI-781021 ASSAM.

VERSUS

1: THE UNION OF INDIA AND 11 ORS REP. BY THE SECRETARY TO THE  
GOVT. OF INDIA MINISTRY OF ENVIRONMENT FOREST AND CLIMATE  
CHANGE INDIRA PARYAVARAN BHAWAN JORBAGH ROAD NEW DELHI-  
110003.

2:MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE NORTH  
EASTERN REGIONAL OFFICE LAW-U-SIB LUMBATNGEN NEAR MTC  
WORKSHOP SHILLONG-7930211.

3:THE STATE OF ASSAM REP. BY THE PRINCIPAL SECY. TO THE GOVT. OF  
ASSAM ENVIRONMENT AND FOREST DEPTT. DISPUR GUWAHATI-781006.

4:THE CHIEF SECRETARY TO THE GOVT. OF ASSAM DISPUR SECRETARIAT  
COMPLEX GUWAHATI-781006.

5:THE COMMISSIONER AND SECRETEARY TO THE GOVT. OF ASSAM  
MINES AND MINERALS DEPTT. DISPUR GUWAHATI-781006 ASSAM.

6:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HEAD OF  
FOREST FORCE H-BLOCK 2ND FLOOR JANATA BHAWAN DISPUR  
GUWAHATI-781006 ASSAM.

7:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS (WILDLIFE) H-BLOCK  
2ND FLOOR JANATA BHAWAN DISPUR GUWAHATI-781006 ASSAM.

8:THE NATIONAL BOARD FOR WILDLIFE REP. BY THE STANDING COMMITTEE OF NATIONAL BOARD FOR WILDLIFE MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE (WILDLIFE DIVISION) 6TH FLOOR VAYU WING INDIRA PARYAVARAN BHAWAN JORBAGH ROAD NEW DELHI-110003.

9:STATE BOARD FOR WILDLIFE REP. BY ITS CHAIRMAN DISPUR SECRETARIAT COMPLEX GUWAHATI-781006.

10:THE DIRECTOR OF GEOLOGY AND MINING OFFICE OF THE DIRECTORATE OF GEOLOGY AND MINING KAHILIPARA GUWAHATI.

11:COAL INDIA LTD. COAL BHAWAN PREMISE NO.-04 MAR PLOT NO. AF-III ACTION AREA-1A NEWTOWN RAJARHAT KOLKATA-700156.

12:CHIEF GENERAL MANAGER NORTH EASTERN COALFIELDS COAL INDIA LTD. SUB-DIV. -MARGHERITA DIST. TINSUKIA ASSAM-786181.

**Linked Case : PIL/45/2020**

1: BIBEK DAS AND ANR  
S/O- LATE REBAKANTA DAS R/O- VILL- KUHIARBARI  
P.O- ARAGANG P.S- GINGIA DIST- BISWANATH ASSAM PIN- 784167

2: PANKAJ KUMAR DAS  
S/O- LATE LAMBODAR DAS R/O- H NO. 49 BYE LANE 3 SREENAGAR R G  
BARUAH ROAD P.S- DISPUR DIST- KAMRUP (M) ASSAM PIN- 781005

VERSUS

1: THE UNION OF INDIA AND 7 ORS REP. BY THE SECRETARY MIN OF ENVIRONMENT FOREST AND CLIMATE CHANGE GOVT OF INDIA NEW DELHI- 110001

2:NATIONAL BOARD FOR WILDLIFE REP. BY THE DIRECTOR OF WILDLIFE PRESERVATION PARYAVARAN BHAWAN LODI ROAD NEW DELHI- 110001

3:MIN OF MINES GOVT OF INDIA REP. BY ITS SECRETARY (MINES) NEW DELHI- 110001

4:THE STATE OF ASSAM REP. BY PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HEAD OF FOREST FORCE DEPTT OF ENVIRONMENT AND FORESTS GOVT OF ASSAM ARANYA BHAWAN PANJABARI GUWAHATI ASSAM PIN- 781037

5:DEPTT OF MINES AND MINERALS GOVT OF ASSAM REP. BY ITS ADDL CHIEF SECRETARY TO THE GOVT OF ASSAM ASSAM SECRETARIAT

GUWAHATI- 781006 ASSAM

6:THE DIVISIONAL FOREST OFFICER DIGBOI FOREST DIVISION  
P.O- DIGBOI DIST- TINSUKIA ASSAM PIN- 786171

7:THE GENERAL MANAGER COAL INDIA LIMITED COAL BHAWAN  
PREMISE NO. 04 MAR PLOT NO AF III ACTION AREA - 1A NEW TOWN  
RAJARHAT KOLKATA- 700156 WEST BENGAL

8:THE GENERAL MANAGER, M/S NORTH EASTERN COALFIELDS COAL  
INDIA LIMITED BLACK DIAMOND TOWERS GS ROAD GUWAHATI  
ASSAM PIN- 781006

9:NATIONAL BIODIVERSITY AUTHORITY.

10:STATE BIODIVERSITY BOARD ASSAM.

**Linked Case : PIL/30/2020**

1: VIKRAM RAJKHOWA AND ANR.  
S/O SRI JYOTI PRASAD RAJKHOWA R/O NARIKAL BARI  
P.S GEETANAGAR GUWAHATI-781024 DIST. KAMRUP(M) ASSAM

2: SANTANU BARTHAKUR  
S/O SRI AWANI BARTHAKUR R/O GANESH MANDIR PATH  
NEW GUWAHATI P.S. NOONMATI DIST. KAMRUP(M) ASSAM

VERSUS

1: THE UNION OF INDIA AND 16 ORS.REP. BY THE SECRETARY MINISTRY  
OF ENVIRONMENT FOREST AND CLIMATE CHANGE (MOEF AND CC)  
GOVT. OF INDIA NEW DELHI

2:THE SECRETARY MINISTRY OF ENVIRONMENT FOREST AND CLIMATE  
CHANGE GOVT. OF INDIA NEW DELHI

3:THE CHAIRPERSON STANDING COMMITTEE OF NATIONAL BOARD FOR  
WILD LIFE (NBWL) MINISTRY OF ENVIRONMENT FOREST AND CLIMATE  
CHANGE GOVT. OF INDIA NEW DELHI

4:THE CHAIRPERSON NATIONAL BIODIVERSITY AUTHORITY (NBA)  
MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE GOVT. OF  
INDIA NEW DELHI

5:THE CHAIRPERSON FOREST ADVISORY COMMITTEE (FAC) MINISTRY OF  
ENVIRONMENT FOREST AND CLIMATE CHANGE GOVT. OF INDIA NEW  
DELHI

6:THE COMMISSIONER AND SECREATRY ENVIRONMENT AND FOREST

DEPTT. GOVT. OF ASSAM SACHIVALAYA DISPUR GUWAHATI-781006 ASSAM

7:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST  
ARANYA BHAWAN PANJABARI GUWAHATI

8:THE DIVISIONAL FOREST OFFICER DIGBOI FOREST DIVISION  
P.O. DIGBOI DIST. TINSUKIA

9:THE CHAIRPERSON STATE BOARD FOR WILD LIFE (SBWL) ASSAM  
DEPTT. OF ENVIRONMENT AND FOREST GOVT. OF ASSAM ASSAM  
SACHIVALAYA DISPUR GUWAHATI-781006

10:THE CHAIRPERSON ASSAM STATE BIODIVERSITY BOARD (ASBB)  
DEPTT. OF ENVIRONMENT AND FOREST GOVT. OF ASSAM ASSAM  
SACHIVALAYA DISPUR GUWAHATI-781006

11:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM MINES AND  
MINERALS DEPTT. ASSAM SACHIVALAYA DISPUR GUWAHATI-781006

12:THE DEPUTY COMMISSIONER TINSUKIA  
O/O DEPUTY COMMISSIONER BORGURI DIST. TINSUKIA

13:THE DIRECTOR GENERAL OF POLICE ASSAM  
ASSAM POLICE HEAD QUARTERS ULUBARI GUWAHATI-781007

14:THE SUPERINTENDENT OF POLICE TINSUKIA  
O/O THE SUPERINTENDENT OF POLICE BORGURI DIST. TINSUKIA

15:THE STATE OF ARUNACHAL PRADESH REP. BY ITS CHIEF SECRETARY  
ITANAGAR ARUNACHAL PRADESH

16:THE GENERAL MANAGER M/S COAL INDIA LTD. COAL BHAWAN  
PREMISE NO. 004 MAR PLOT NO. AF-III ACTION AREA-1A NEWTOWN  
RAJARHAT KOLKATA-700156

17:THE GENERAL MANAGER, M/S NORTH EASTERN COALFIELDS  
COAL INDIA LTD. BLACK DIAMOND TOWER GS ROAD GUWAHATI  
KAMRUP (M) ASSAM

18:NATIONAL BIODIVERSITY AUTHORITY.

19:STATE BIODIVERSITY BOARD ASSAM.

**For the Petitioner(s)**

: Mr. D.K. Das, Advocate.  
Mrs. R.S. Chowdhury, Advocate.  
Mr. S.K. Chakma, Advocate.

**For the Respondent(s)** : Mr. D. Nath, Senior Government Advocate, Assam.  
 : Mr. M.Z. Ahmed, Senior Advocate/ Standing Counsel, Coal India Limited, assisted by Mr. A.M. Dutta, Advocate.  
 : Ms. L. Devi, Advocate on behalf of Mr. R.K.D. Choudhury, Deputy Solicitor General of India.  
 : Mr. A. Chandran, Senior Government Advocate, Arunachal Pradesh.  
 : Mr. D. Gogoi, Standing Counsel, Forest Department.

**- B E F O R E -**

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

**14.02.2025**

*(Vijay Bishnoi, CJ)*

The issue involved in these PIL petitions is regarding the ongoing illegal mining activities in various districts in the State of Assam.

This Court has already registered a *suo moto* public interest litigation being PIL (Suo Moto) No.1/2025 (*In re: Dima Hasao Tragedy -Vs- The Chief Secretary to the Govt. of Assam & 6 Ors.*) in relation to the rat-hole mining and illegal mining activities in the State of Assam.

We deem it appropriate to hear these PIL petitions along with PIL (Suo Moto) No.1/2025.

In view of the above, Registry to list this PIL along with PIL (Suo Moto) No.1/2025.

**JUDGE**

**CHIEF JUSTICE**

Comparing Assistant