

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 46/2025/EZ**

237

In The Matter of:-

Mukul Haloi & Anr

..... Applicants

- Versus-

State of Assam & Ors.

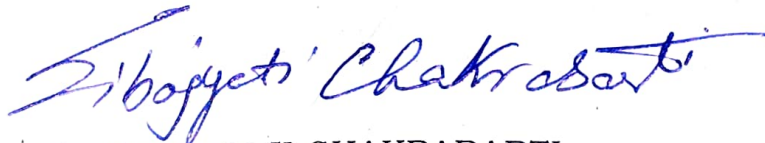
...Respondent(s)

**I AM FILLING WRIT PETITION ALONG WITH ALL ORDERS IN CASE NO.
WP (C) NO. 1409/ 2025 PENDING BEFORE THE HON'BLE HIGH COURT
GUWAHATI ON BEHALF OF THE RESPONDENT NO. 4 & 5.**

INDEX

Sl No.	PARTICULARS	PAGE
1.	WRIT PETITIONS	2-49
2.	ORDERS IN WRIT PETITION	50-68

Filed by:



Mr. SIBOJYOTI CHAKRABARTI,
Advocate,

For respondent no. 4 & 5

(M). 9007035534

Email: subho.advocate@gmail.com

DISTRICT: NALBARI

IN THE GAUHATI HIGH COURT AT GUWAHATI

(The High Court of Assam, Nagaland, Mizoram and Arunachal Pradesh)

(CIVIL EXTRA - ORDINARY JURISDICTION)

WRIT PETITION (C) NO. 1409 OF 2025

Parbin Sultana

_____Petitioner

-Versus-

The State of Assam & Others

_____Respondents

SYNOPSIS

The petitioner herein is the proprietor of a brick kiln industry namely- M/S JPIS Enterprise at village- Chengnoi under Mouza- Batahghila in the Nalbari district, Assam which was constructed after obtaining necessary "Consent to Establish" from the Pollution Control Board, Assam as well as the guidelines laid down by the Pollution Control Board, Assam for Brick Manufacturing Industries and all other formalities but the Additional District Magistrate, Nalbari vide letter 04-12-2024 had requested the Chairman of the Pollution Control Board, Assam to withdraw the Consent to Establish issued to the petitioner bringing some false and concocted allegations and accordingly, the Member Secretary of the Pollution Control Board, Assam vide his impugned letter dated 05-02-2025 had withdrawn the Consent to Establish (CTE) granted in favour of the M/S JPIS Enterprise vide No. WB/KMP/T-210/23-24/5 dated 28-11-2023 without giving any chance of hearing to the petitioner causing huge financial loss and mental agony and uncertainty to the petitioner. Hence this Writ Petition.

Filed by the petitioner
through:

Mritul Deka

Advocate 28/2/25

P-7

DISTRICT: NALBARI

IN THE GAUHATI HIGH COURT AT GUWAHATI

(The High Court of Assam, Nagaland, Mizoram and Arunachal Pradesh)

(CIVIL EXTRA - ORDINARY JURISDICTION)

WRIT PETITION (C) NO. 1409 OF 2025

Parbin Sultana

_____Petitioner

-Versus-

The State of Assam & Others

_____Respondents

INDEX

Sl. No.	Particulars of the documents	Page Nos.
1.	Writ Petition	1-28
2.	Affidavit	29
3.	Annexures- A1 & A2 (Copies of the Registration Certificates)	30-33
4.	Annexure-B (Copy of the permission dated 30-08-2023)	34
5.	Annexure- C (Copy of the NOC Issued by the Gaonbura)	35-36
6.	Annexure-D (Copy of the certificate dated 18-09-2023 Issued by Circle Officer, Nalbari Rev Circle)	37
7.	Annexure-E (Copy of the Minutes dated 01-10-2023)	38-41
8.	Annexure- F (Copy of the NOC dated 04-10-2023 Issued by the G.P. Secretary)	42
9.	Annexure- G (Copy of the CTO dated 28-11-2023 Issued by the PCBA)	43-45
10.	Annexures- H & I (Copies of the Receipts & Photograph)	46-48
11.	Annexures- J & K (Copies of the prohibitory Order and representation)	49-51
12.	Annexure- L (Copy of the letter dated 02-03-2023 Issued by the A.D.C.)	52
13.	Annexure- M (Copy of the sealing letter dated 03-03-2024)	53
14.	Annexure- N (Copy of the FIR dated 05-03-2024)	54-55

15	Annexures- 01 & 02 (Copy of Order dated 16-08-2024 passed in the W.P.(C) No. 2782/2024 and letter dated 06-09-2024)	56-60
16.	Annexure- P (Copy of the order dated 23-12-2024 passed in the Case No. 187(M)/2024 by the ADM, Nalbari)	61
17.	Annexure- Q (Copy of the Memorandum dated 19-12-2024)	62-63
18.	Annexure- R (Copy of the Complaint dated 20-12-2024)	64-71
19.	Annexure- S (Copy of the order dated 26-12-2024 passed in the Case No. 187(M)/2024 by the ADM, Nalbari)	72
20.	Annexure- T (Copy of the order dated 26-12-2024 passed in the Case No. 188(M)/2024 by the ADM, Nalbari)	73
21.	Annexure- U (Copy of the letter dated 04-12-2024)	74
22.	Annexure- V (Copy of the impugned letter dated 05-02-2025 issued by PCBA)	75-76
23.	Annexure- W (Copy of the Report dated 12-09-2023)	77
24.	Annexures- X1 & X2 (Copies of the acknowledgments for re-classification)	78-79
25.	Annexures- Y1 & Y2 (Copies of the application trackings)	80-81

Filed by the petitioner
through:

Maitray Debnath

Advocate

DISTRICT: NALBARI**IN THE GAUHATI HIGH COURT AT GUWAHATI***(The High Court of Assam, Nagaland, Mizoram and Arunachal Pradesh)***(CIVIL EXTRA - ORDINARY JURISDICTION)****WRIT PETITION (C) NO. 1409 OF 2025**

Parbin Sultana

_____Petitioner

-Versus-

The State of Assam & Others

_____Respondents

LIST OF DATES

Sl. No.	Date	Particulars
1.	28-11-2023	"Consent to Establish" was Issued by the PCBA,
2.	16-08-2024	Order passed in the W.P.(C) No. 2782/2024.
3.	04-12-2024	Letter issued by the ADM, Nalbari
4.	05-02-2025	Impugned letter Issued by the Member Secretary, PCBA

Filed by the petitioner
through:

Mritul Deka

,Advocate

DISTRICT: NALBARI

**IN THE GAUHATI HIGH COURT AT
GUWAHATI**

(The High Court of Assam, Nagaland Mizoram and Arunachal Pradesh)

(CIVIL EXTRA - ORDINARY JURISDICTION)

WRIT PETITION (C) NO. 1409 OF 2025

CATEGORY OF CASE : Other Settlements
CATEGORY OF CODE : 10148

To,

The Hon'ble **MR. JUSTICE VIJAY BISHNOI**, the Chief Justice of the Hon'ble Gauhati High Court and His other companion Justices of the said Hon'ble Court.

IN THE MATTER OF:

An application under Article 226 of the Constitution of India praying for issuance of a writ in the nature of Mandamus, Certiorari and/or any other appropriate writ, order or direction of like nature.

-AND-

IN THE MATTER OF:

For enforcement of the petitioner's rights guaranteed under provisions of the Constitution of India and for enforcement of other legal rights of the petitioner.

Filed by the petitioner through

Mr. Arun Das

Advocate, Date 28/2/25

-AND-

IN THE MATTER OF:

Orders dated 23-12-2024 & 26-12-2024 passed in the Case No. 187(M)/2024 and Order dated 26-12-2024 passed in the Case No. 188(M)/2024 by the Additional District Magistrates, Nalbari

-AND-

IN THE MATTER OF:

Impugned letter dated 05-02-2025 issued by the Member Secretary, Pollution Control Board, Assam withdrawing the Consent to Establish (CTE) granted in favour of the M/S JPIS Enterprise vide No. WB/KMP/T-210/23-24/5 dated 28-11-2023.

-AND-

IN THE MATTER OF:

Violation of the provision of the Assam Agricultural Land (Regulation of Reclassification and Transfer for Non-Agricultural Purpose) Act, 2015.

-AND-

IN THE MATTER OF:

Violation of the principles of natural justice, equity, good conscience, and administrative fair-play.

-AND-

IN THE MATTER OF:

PARBIN SULTANA, 39

Proprietor, M/S JPIS ENTERPRISE
W/o- Md. Jiyaur Pasa,
Nalbari Town, Ward No-8
P.S & P.O-Nalbari
Dist-Nalbari, Assam-781335.

PETITIONER

-VERSUS-

1. **The State of Assam,**
Represented by the Commissioner &
Secretary to the Govt. of Assam,
Revenue & Disaster Management
Department, Dispur, Guwahati-06.
2. **The Commissioner & Secretary**
to the Govt. of Assam, Forest
Department, Dispur, Guwahati-6

3. **The Pollution Control Board, Assam**, represented by its Chairman, Bamunimaidam, Guwahati- 21.
4. **The Member Secretary**, Pollution Control Board, Assam, Bamunimaidam, Guwahati-21
5. **The Senior Environmental Engineer**, Regional Head, Regional Office, Kamrup.
6. **The District Commissioner**, Nalbari District, Nalbari, Assam- 781335.
7. **The Additional District Magistrate**, Nalbari District, Nalbari, Assam-781335.
8. **The Divisional Forest Officer**, North Kamrup Division, Rangia, Assam-
9. **The Circle Officer**, Nalbari Revenue Circle, Nalbari, Assam-781335.

_____ **RESPONDENTS**

The humble petition of the petitioner above named-

MOST RESPECTFULLY SHEWETH :

1. That the petitioner herein is a permanent resident of Nalbari Town, Ward No. 08, PO & Dist- Nalbari in the state of Assam and as such being a citizen of India by birth, the petitioner is entitled to all the rights, protections and privileges guaranteed under the Constitution of India and other laws framed there under.

2. That the petitioner respect fully begs to state that she is the proprietor of the M/S JPIS Enterprise, a Brick Kiln Industry which is registered under the Micro Small Enterprise Development Act, 2006 bearing Registration No. UDYAM-AS-23-0001663 and GST No. 18BCCPS3920E1ZQ having its registered office at Nalbari Town, Ward No. 08, PO & Dist- Nalbari, Assam- 781335.

Copies of the Registration Certificates are annexed hereto and marked as **ANNEXURES- A1 & A2.**

3. That the petitioner respectfully begs to state that, she had submitted an online application along with supporting documents before the Chief Inspector of Factories, Assam for permission and approval of plant and machinery layout for the purpose of establishing a Brick Kilns Industry under the name and style of M/S JPIS Enterprise at village- Chengnoi under Mouza- Batahghila in the Nalbari district and accordingly after being satisfied, the Chief Inspector of Factories, Assam vide his letter No.

NAL/99/4079 dated 30-08-2023 had accorded approval to install the plant & machinery and prime movers etc. as per plan.

A copy of the permission dated 30-08-2023 is annexed hereto and marked as **ANNEXURE- B.**

4. That the petitioner respectfully begs to state that the Gaonbura of the village- Chengnoi, Mouza- Batahghila, Dist- Nalbari had also issued No Objection Certificate to the petitioner for establishing the Brick Kilns industry under the name & style of M/S JPIS Enterprise at village- Chengnoi in the Nalbari district on the scheduled plot of land.

A copy of the NOC dated 18-09-2023 is annexed hereto and marked as **ANNEXURE- C.**

5. That the petitioner respectfully begs to state that the proposed plot of land at village- Chengnoi under Batahghila Mouza in the Nalbari district on which the M/S JPIS Enterprise was established by the petitioner was also certified to be non-agricultural land by the Circle Officer as the land is covered with coarse sand as per report of the District Agricultural Officer, Nalbari as well as the Lot Mondol.

A copy of the certificate dated 18-09-2023 is annexed hereto and marked as **ANNEXURE- D.**

6. That the petitioner respectfully begs to state that a village meeting was held on 01-10-2023 by the villagers of the Chengnoi village in the Nalbari district and in its meeting, the villagers had also agreed on the establishment of the said Brick Kilns industry at village- Chengnoi under Mouza- Batahghila in the Nalbari district.

A copy of the Minutes dated 01-10-2023 is annexed hereto and marked as **ANNEXURE- E.**

7. That the petitioner respectfully begs to state that the Secretary of the 5 No. Pub Batahghila Gaon Panchayat had also issued a No Objection Certificate to the petitioner for establishing the Brick Industry at the Chengnoi village under 5 No. Pub-Batahghila Gaon Panchayat in the Nalbari District.

A copy of the NOC dated 04-10-2023 is annexed hereto and marked as **ANNEXURE- F.**

8. That the petitioner respectfully begs to state that the Pollution Control Board, Assam had also issued necessary "Consent to Establish" vide No. WB/KMP/T-210/23-24/05 dated 28-11-2023 to the petitioner for establishing the said Brick Kilns industry under the name & style of the M/S JPIS Industries at village- Chengnoi, PS & Dist- Nalbari, Assam under Section 21 of the Air (Prevention of Pollution) Act, 1981 and as per

~~45~~~~8~~

provision of the Assam Brick Kilns Establishment and Regulation Rules, 2013.

A copy of the "Consent to Establish" dated 28-11-2023 is annexed hereto and marked as **ANNEXURE- G.**

9. That the petitioner respectfully begs to state that after obtaining all the necessary permissions from the competent authorities and observing all other formalities, the petitioner had purchased the machineries worth Rs.26,00,000/- and had completed the installation on the said plot of land at village-Chengnoi under Batahghila Mouza in the Nalbari district and had completed its construction works.

Copies of the receipts and photograph of the Brick Kiln are annexed hereto and marked as **ANNEXURES -H & I.**

10. That the petitioner respectfully begs to state that after installation of the machineries, the petitioner's brick industries namely- M/S- JPIS Enterprise was almost completed and made ready for production bricks and accordingly the petitioner had purchased raw materials worth Rs. 1 crore for the production purpose.

11. That the petitioner respectfully begs to state that after completion of the said brick kiln namely- M/S JPIS Enterprise and purchasing all the raw materials, while the petitioner was waiting to apply for obtaining the necessary Consent To Operate (CTO) from the Pollution Control Board,

Assam for starting the production of bricks, to the utter shock and surprise of the petitioner, the office of District Commissioner, Nalbari had issued a Promulgation of Prohibitory Order u/s 144 Cr.P.C. on 29-02-2024 with the direction- "No dumper/tractor carrying mud/clay and other construction materials will move in Pagladia L/B embankment of Katara, Khat-Katara of Chengnoi village in Nalbari district" in a most illegal and arbitrary manner targeting the petitioner with the ulterior motive to harass the petitioner in running her business.

A copy of the Prohibitory Order dated 29-02-2024 is annexed hereto and marked as **ANNEXURE- J.**

12. That the petitioner respectfully begs to state that being aggrieved at the Prohibitory Order dated 29-02-2024 issued by the office of the District Commissioner, Nalbari, the petitioner had submitted a representation before the District Commissioner, Nalbari on 02-03-2024 requesting her to pass necessary order for allowing to move the vehicle used for construction of the petitioner's industry namely- M/s JPIS Enterprise.

A copy of the representation dated 02-03-2024 is annexed hereto and marked as **ANNEXURE- K.**

13. That the petitioner respectfully begs to state that after submitting the representation dated 02-03-2024, while the petitioner was expecting a sympathetic consideration of the same for enabling her to complete and

start the production of brick kiln- M/S JPIS Enterprise but instead of consideration of the same, the office of the District Commissioner, Nalbari had issued a letter on the same date i.e. 02-03-2024 at 8:19 PM to the Circle Officer, Nalbari Revenue Circle, Nalbari directing him to take necessary action for sealing of the premise of the M/S JPIS Enterprise and had also directed him to lodge an FIR of criminal nature of act and further directed to take necessary action for compliance of the prohibitory order misusing her official power without any basis in a most illegal and arbitrary manner only with the malafide intention to harass the petitioner and to cause financial loss to the petitioner.

A copy of the letter dated 02-03-2024 is annexed hereto and marked as **ANNEXURE- L.**

14. That the petitioner respectfully begs to state that in terms of the letter dated 02-03-2024 issued by the District Commissioner, Nalbari, the Circle officer vide his letter No. NBR-22/2021/Pt-II/134 dated 03-03-2024, had illegally sealed the premise of the petitioner's Brick Kiln namely- M/s JPIS Enterprise whimsically alleging the violation of the Assam Brick Kilns establishment and Regulation Rules, 2013 by the petitioner.

A copy of the Sealing letter dated 03-03-2024 is annexed hereto and marked as **ANNEXURE- M.**

15. That the petitioner respectfully begs to state that after sealing of the premise of the petitioner namely- M/s JPIS Enterprise, the Circle Officer of the Nalbari Revenue Circle had lodged an FIR before the Officer-in-Charge, Nalbari Police Station, Nalbari on 05-03-2024 against the petitioner and her husband for starting the construction of the Brick Kiln without obtaining the mandatory permission from the establishment of the District Commissioner and also alleged violation of the norms and regulation of the Assam Brick Kiln Establishment and Regulation Rules, 2013 and accordingly after receiving said FIR, the Officer-in-Charge, Nalbari Police Station had registered a case being Nalbari PS Case No. 87/2024 u/s- 188/268/290/431 of IPC.

A copy of the FIR dated 05-03-2024 is annexed hereto and marked as **ANNEXURE- N.**

16. That the petitioner respectfully begs to state that being aggrieved at sealing the premise of the petitioner's Brick Kiln for alleged violation of the norms and regulation of the Assam Brick Kiln Establishment and Regulation Rules, 2013 which was never gazette notified, the petitioner had filed a writ petition before the Hon'ble High Court being W.P. C). No. 2782/2024 and accordingly after hearing the parties, the Hon'ble Court was pleased to dispose of the said writ petition vide its order dated 16-08-2024 while setting aside the order dated 02-03-2024 issued by the Additional District Magistrate, Nalbari, the Hon'ble Court was also pleased to direct the Circle Officer, Nalbari Revenue Circle (Respondent No.3) to remove the sealing of the premises of the petitioner which was done on the basis of the

~~68~~~~12~~

impugned order dated 02-03-2024 within the period of 15 days from the date of receipt of the certified copy of the instant order to the District Commissioner and accordingly, the said premise was unsealed by the Circle Officer, Nalbari Revenue Circle vide his letter dated 06-09-2024.

A copy of the order dated 16-08-2024 passed in the W.P.(C) No. 2782/2024 and letter dated 06-09-2024 are annexed hereto and marked as **ANNEXURES- 01 & 02.**

17. That the petitioner respectfully begs to state that in terms of the order dated 16-08-2024 passed in the WP (C) No.2782/2024, the respondent authority had removed the seal from the petitioner's premises and accordingly the petitioner had restarted the construction of her brick kiln namely M/S JPIS Enterprise at the Chengnoi Village which had already been completed more than 90% and was about to start its functioning.

18. That the petitioner respectfully begs to state that after completing the construction work of the petitioner's brick kilns namely- M/s JPIS Enterprise, while the petitioner had been waiting for necessary "Consent to Operate" from the Pollution Control Board, Assam, suddenly the petitioner had received a copy of an Order dated 23-12-2024 passed in the Case No. 187(M)/2024 by an Additional District Magistrate, Nalbari namely- Rajiv Das under Section 163 of BNS prohibiting the parties from entering and operating the brick kilns from the disputed land until further order which was passed on the basis of the complaint petition filed by (1) Anupam Das & Ors, Village- Chengnoi (2) Kalyan Bhattacharjya & Ors,

President, Veer Lachit Sena, Assam. The said order was passed mentioning the name of the petitioner's husband- Jiaur Pasa as the 2nd Party.

A copy of the order dated 23-12-2024 is annexed hereto and marked as **ANNEXURE- P.**

19. That the petitioner respectfully begs to state that a memorandum based on which the order was passed by the Additional District Magistrate, Nalbari on 23-12-2024 was sent to the petitioner along with the copy of the order, and the memorandum was submitted by one Kalyan Kumar Bhattacharyya, President, Veer Lachit Sena, Nalbari District Committee dated 19-12-2024 before the District Commissioner, Nalbari which was received by the Office of the District Commissioner, Nalbari on 23-12-2024. The memorandum dated 19-12-2024 did not have any specific allegation against the petitioner nor the complaints were directed to the tractors or the dumpers used by the petitioner and also did not quote the village where the said industry is located. In fact, the memorandum categorically mentioned about seeking a permanent solution to the problem of destructions made by the infestation of elephants in the Nalbari district. The memorandum specifically states that the infestation of elephants in Nalbari started in last year only. The said complainant through the memorandum demands about setting up an Elephant Squad in Nalbari district, demanded compensation for people whose houses/crops have been damaged, demanded an enquiry in an incident where the Headmaster of Katahkuchi Krishnaguru Vidyajyoti LP School was physically

abused by a forest guard of Rangia Forest Division and also demanded exemplary punishment against the forest guard, along with demanding ban on movement of tractors and dumpers on the embankment towards the North of the River which the elephants follow on its way back and also shut the high voltage electric lights of brick kiln after sunset. The memorandum did not complain about a particular brick kiln, did not name a particular embankment or did not even propose taking coercive action against any particular brick kiln except shutting off high voltage lights.

It is also to be stated that the memorandum dated 19-12-2024 was addressed to the District Commissioner, Nalbari and received at the Office of the District Commissioner, Nalbari on 23-12-2024 and was not forwarded to any Additional District Magistrate, Nalbari with any direction, however, the Additional District Magistrate, Nalbari issued the impugned order in Case No. 187(M)/2024 on 23-12-2024 on the same day of receiving the memorandum, without issuing any notice to the petitioner.

A copy of the Memorandum dated 19-12-2024 is annexed hereto and marked as **ANNEXURE- Q.**

20. That the petitioner respectfully begs to state that another complaint based on which the order was passed by the Additional District Magistrate, Nalbari on 23-12-2024 was sent to the petitioner along with the copy of the order, and the complaint was submitted by one Anupam Das and others on 20-12-2024 before the District Commissioner, Nalbari and it was received by the Office of the District Commissioner, Nalbari on 23-12-2024.

The complaint was made by the residents of Chengnoi and Khudra Katra Village of Nalbari stating that one Jiyaur Pasa in violation of The Assam Brick Establishment and Regulation Rules, 2013 was setting up a brick kiln. It was also stated in the complaint that the said brick kiln and the dumpers and tractors carrying raw materials for another stone quarry being set up at Khudra Katra (which has not even become functional) is damaging the embankment from Khat-Katra to Jamtola and there are threats that there could be breach on embankment during next flood. To the best of the knowledge of the petitioner, none of the signatories of the complaint dated 20-12-2024 belongs to Chengnoi village.

A copy of the complaint dated 20-12-2024 is annexed hereto and marked as **ANNEXURE- R**

21. The petitioner respectfully begs to state that the brick kiln does not belong to Jiyaur Passa and huge numbers of tractors and dumpers are seen over the embankments in Nalbari belonging to various industries and the complainants have not been able to substantiate that the tractors or dumpers making movement over the embankment belongs to the petitioner. Also, the complaints raised by Anupam Das did not call for any action as the brick kiln did not belong to Jiyaur Passa and also because in WP (C) 2782/2024, a similar subject matter had already been dealt with by this Hon'ble High Court.

22. That the petitioner respectfully begs to state that subsequently, Additional District Magistrate, Nalbari namely- Rajib Kr. Das had issued

another Order on 26-12-2024 In the said Case No. 187(M)/2024 including some additional complainants as the 1st Party and the petitioner as the 2nd Party without mentioning about the earlier order dated 23-12-2024. It is now clear that the whole Nalbari District Administration kept themselves busy putting their entire efforts and energy to shut down the brick kiln of the petitioner as no other orders were passed between orders in i.e. Case No. 187(M)/2024 dated 23-12-2024 and Case No. 188(M)/2024 dated 26-12-2024 by two different court of the Additional District Magistrate pertaining to the same subject matter.

In this order, two additional parties were added namely- Divisional Forest Officer, North Kamrup Division, Rangia and Pankaj Kumar Dutta, Senior Environmental Engineer, Regional Head, RO, Kamrup apart from the President of Veer Lachit Sena, Nalbari Committee and Anupam Das. The order was passed u/s 163 BNSS.

A copy of the order dated 26-12-2024 is annexed hereto and marked as **ANNEXURE- S.**

23. That the petitioner respectfully begs to state that after passing of the said orders dated 23-12-2024 & 26-12-2024 by the Additional District Magistrate, Nalbari namely- Rajib Kr: Das In Case No. 187(M)/2024, another Additional District Magistrate, Nalbari namely- Ashutosh Deka had issued another impugned order on 27-12-2024 In the Case No. 188/2024 u/s- 152 BNS without changing any contents of the earlier impugned Order

dated 26-12-2024 without applying his mind and only with the malafide intention to harass the petitioner unnecessarily and to cause huge financial loss to the petitioner.

A copy of the order dated 27-12-2024 is annexed hereto and marked as **ANNEXURE- T.**

24. That the petitioner respectfully begs to state that being aggrieved at the purported action on the part of the Additional District Magistrates passing those order dated 23-12-2024 and 26-12-20224 in the Case No. 187(M)/2024 and order dated 27-12-2024 passed in the Case No. 188(M)/2024 against the petitioner's Brick Kiln intentionally harassing the petitioner , the petitioner had approached before the Hon'ble Gauhati High Court by filling a writ petition being W.P.(C) No. 50/2025 which is still pending before the Hon'ble High Court.

25. That the petitioner respectfully begs to state that the said Additional District Magistrate, not stopping at initiating the above two (2) proceedings against the petitioner's brick kiln, had again vide his letter dated 04-12-2024 had requested the Chairman, Pollution Control Board, Assam to withdraw the "Consent to Establish" granted to the petitioner in respect of her said brick kiln bringing some false and fabricated statement in the said letter.

A copy of the letter dated 04-12-2024 is annexed hereto and marked as **ANNEXURE- U.**

26. That the petitioner respectfully begs to state that in terms of the letter dated 04-12-2025 issued by the Addl. District Magistrate, Nalbari, the Member Secretary of the Pollution Control Board, Assam vide his impugned letter dated 05-02-2025 had withdrawn the Consent to Establish (CTE) granted in favour of the M/S JPIS Enterprise vide No. WB/KMP/T-210/23-24/5 dated 28-11-2023 in a most illegal and arbitrary manner without giving any chance of hearing to the petitioner causing immense hardships, uncertainty and mental agony to the petitioner.

A copy of the impugned letter dated 05-02-2025 is annexed hereto and marked as **ANNEXURE-V.**

27. That the petitioner respectfully begs to state that although the petitioner while applying for the Consent to Establish for the petitioner's Brick Kiln namely- M/s JPIS Enterprise at the Chengnoi village in the Nalbari District before the Pollution Control Board, Assam had submitted her application for granting Consent to Establish (CTE) along with all the necessary particulars and after being fulfilled all the requirement for establishment of the Brick Kiln and after verifying all the documents submitted by the petitioner, the Member Secretary of the Pollution Control Board, Assam was pleased to grant the Consent to Establish vide No. WB/KMP/T-210/23-24/5 dated 28-11-2023 in favour of the petitioner's Brick Kiln and accordingly after completion of the construction of the Brick Kiln, while the petitioner had submitted an application for granting Consent to Operate (CTO) before the Member Secretary of the Pollution Control

Board, Assam but despite of the same, instead of bothering hearing the petitioner or Issuing any show cause for her defence, the Member Secretary of the Pollution Control Board, Assam had issued the Impugned letter dated 05-02-2025 withdrawing the Consent to Establish did not even bother to issue a show cause or any other kind of chance for defence to the petitioner In terms of the letter dated 04-12-2024 and as such the impugned letter dated 05-02-2025 issued by the Member Secretary, Pollution Control Board, Assam withdrawing the Consent to Establish is ex-facie illegal and Is liable to be set aside and quashed for the ends of justice.

28. That the petitioner respectfully begs to state that although it was incumbent on the part of the Member Secretary of the Pollution Control Board, Assam to verify veracity of the complaint of the Additional District Magistrate, Nalbari before issuing the impugned letter dated 05-02-2025 withdrawing the Consent to Establish although he had sufficient time to call the petitioner to defy the allegations brought by the Addl. District Magistrate, Nalbari but the said Member Secretary of the Pollution Control Board, Assam without verifying anything or offering any chance of hearing, had issued the said Impugned letter dated 05-02-2025 causing undue hardships and uncertainty to the petitioner and as such the same is liable to be interfered by this Hon'ble Court for the ends of justice.

29. That the respectfully begs to state that since the said Brick Kiln industry was established over a plot of land measuring 3 Bigha covered by Patta No. 292 & Patta No. 2556 and another adjacent plot of land measuring 2 Bigha 2 Katha 10 Lecha covered by Patta No. 294 & Dag No.

2558 totalling 5 Bigha 2 Katha 10 Lechas at village- Chengnoi under Mouza- Batahghila in the Nalbari district, the husband of the petitioner had wanted to re-classify the said land to non-agricultural land and for that purpose, the District Agricultural Officer, Nalbari vide his letter dated 12-09-2023 had forwarded his report to the Circle Officer, Nalbari Revenue Circle for reclassification of the said plot of land of the petitioner's husband, Md. Jiyaur Pasa since the said land was .

A copy of the report dated 12-09-2023 is annexed hereto and marked as **ANNEXURE- W.**

30. That the petitioner respectfully begs to state that after obtaining all the necessary particulars from all the concerned authority for reclassification of the said land measuring 3 Bigha covered by Patta No. 292 & Patta No. 2556 and another adjacent plot of land measuring 2 Bigha 2 Katha 10 Lecha covered by Patta No. 294 & Dag No. 2558 totalling 5 Bigha 2 Katha 10 Lechas at village- Chengnoi under Mouza- Batahghila in the Nalbari district, the petitioner had submitted his application before Nalbari District Administration on 19-01-2024 vide application No. RECL/06/203/2024 and another on 03-02-2024 vide application No. RECL/06/205/2024 for re-classification of the Patta Land on which the petitioner's Brick Kiln had been established.

Copies of the acknowledgements are annexed hereto and marked as **ANNEXURE- X1 & X2.**

31. That the petitioner respectfully begs to state that although the said land is not under any significant cultivation since last 10 years as the lands are covered with coarse sand as per report of the District Agricultural Officer, Nalbari as well as the Lot Mondol Report and the petitioner's husband had submitted all the necessary particulars for re-classification of the said land along with requisite fees but the District Commissioner, Nalbari had rejected the application No. RECL/06/205/2024 on 21-12-2024 although the stipulated delivery date was 05-03-2024 and had kept pending more than 9 months with the intention to harass the petitioner. Another application No. RECL/06/203/2024 dated 19-01-2024 is still under process.

Copies of the Application tracking are annexed hereto and marked as **ANNEXURE- Y1 & Y2.**

32. That the petitioner respectfully begs to state that although it was incumbent on the part of the District Administration, Nalbari to grant the re-classification of land of the petitioner's husband on which the said Brick Kiln had been established but the District Commissioner, Nalbari had rejected the re-classification application in a most illegal and arbitrary manner.

33. That the petitioner respectfully begs to state that the said Brick Kiln namely, M/s JPIS Enterprise had been established on private Patta land of her husband which is free from any kind of dispute and it was also certified by the Circle Officer of the Nalbari Revenue Circle vide his certificate dated 18-09-2023 certifying that the said land is not under any significant cultivation since last 10 years as the lands are covered with coarse sand as per report of the District Agricultural Officer, Nalbari as well as the Lot Mondol Report but the District Commissioner, Nalbari, in a most illegal and arbitrary manner, had rejected the re-classification application of the petitioner's husband.

34. That the petitioner respectfully begs to state that the Section 4 (1) of the Assam Agricultural Land (Regulation of Reclassification and Transfer for Non-Agricultural Purpose) Act, 2015 states as-

"4. (1) Such land which is recorded as agricultural land but has already become unfit for agricultural purposes or where there has been no agricultural activity for at least ten years preceding the date of application for permission, shall only be reclassified or reclassified-cum-transferred for intended non-agricultural purposes with the prior approval of the Deputy Commissioner."

In the instant case, although the local Gaonbura, District Agricultural Officer, Nalbari, the Lot Mondol and the Circle Officer, Nalbari Revenue Circle had certified that the said plot of lands on which the petitioner's Brick Kiln was established was not under any significant cultivation since last 10 years as the lands are covered with coarse sand but the District Commissioner, Nalbari had whimsically rejected the application for re-

classification of the said land and as such the same is liable to be interfered by this Hon'ble High Court for the ends of justice.

35. That the petitioner respectfully begs to state that the Section 8(1) of the Assam Agricultural Land (Regulation of Reclassification and Transfer for Non-Agricultural Purpose) Act, 2015 states as- ***"If any agricultural land mentioned under sub-section (1) of section 4 is put to non-agricultural purpose without obtaining the permission as required under clause (i) of section 3, the land shall be deemed to have been reclassified into non-agricultural purpose and upon such deemed reclassification, the Deputy Commissioner shall impose and realize a fine equal to two times the Reclassification Premium chargeable while according No objection Certificate (NOC) under sub-section (7) of section 5 for 'reclassification' under clause (i) of section 6 and in such manner as may be prescribed"*** and in the instant case, the application No. RECL/06/203/2024 was submitted on 19-01-2024 and the application No. RECL/06/205/2024 was submitted on 03-02-2024 for re-classification of the those plots of land and although the same was rejected by the District Commissioner, Nalbari but as per Section 8(1) of the Assam Agricultural Land (Regulation of Reclassification and Transfer for Non-Agricultural Purpose) Act, 2015 is deemed to be re-classified.

36. That the petitioner respectfully begs to state that knowing the provisions of the Assam Agricultural Land (Regulation of Reclassification and Transfer for Non-Agricultural Purpose) Act, 2015, the District Magistrate, Nalbari vide his letter dated 04-12-2024 h

the Chairman, Pollution Control Board, Assam to withdraw the "Consent to Establish" granted to the petitioner in respect of her said brick kiln bringing some false and fabricated statement in the said letter and the Member Secretary of the Pollution Control Board, Assam had also, without making any enquiry or issuing any show cause to the petitioner, the Member Secretary of the Pollution Control Board, Assam vide his impugned letter dated 05-02-2025 had withdrawn the Consent to Establish granted to the petitioner's Brick Kiln namely- M/s JPIS Enterprise causing huge financial hardships and mental agony to the petitioner at such a stage, while the petitioner was eagerly waiting for granting Consent to Operate from the Pollution Control Board, Assam and as such the purported actions of the Member Secretary of the Pollution Control Board, Assam withdrawing the "Consent to Establish" is liable to be interfered by this Hon'ble High Court for the ends of justice.

37. That the petitioner respectfully begs to state that although the Assam Brick Kiln Establishment and Regulation Rules, 2013 have not yet been gazette notified but the Nalbari District Administration have consistently been harassing the petitioner in the name of violation of the provision of the Assam Brick Kiln Establishment and Regulation Rules, 2013 only with the ulterior motive to harass the petitioner and to cause financial loss to the petitioner and as such the purported action of the Nalbari District Administration is liable to be interfered by this Hon'ble High Court for the ends of justice.

38. That the petitioner respectfully begs to submit that she had already spent her whole life savings and had also borrowed money for the construction of the said Brick Kiln and had also purchased raw materials for the production purpose worth of 1 crore rupees and under such circumstances, if the said premise is kept sealed, the raw materials will be destroyed or may be stolen which will cause huge financial loss to the petitioner and as such the purported action of the respondent authorities sealing the premise of the M/S JPIS Enterprise are liable to be interfered by this Hon'ble Court for the ends of justice.

39. That the petitioner respectfully begs to submit that the instant case is a fit case wherein this Hon'ble High Court may be pleased to invoke its extraordinary jurisdiction under Article 226 of the Constitution of India; intervene in the matter in an appropriate manner and pleased to grant adequate relief as prayed for setting aside and quashing impugned letter dated 05-02-2025 issued by the Member Secretary, Pollution Control Board, Assam withdrawing the Consent to Establish (CTE) granted in favour of the M/S JPIS Enterprise vide No. WB/KMP/T-210/23-24/5 dated 28-11-2023.

40. That the petitioner submits that in the present case when Rules provides for liberal approach, the procedure, methodology and the process adopted in withdrawing the "Consent to Establish" the petitioner's brick kiln namely- M/S JPIS Enterprise is based on arbitrary and capricious standards to harass the petitioner in a discriminatory manner, which is not

permissible in a democratic society and as such the same is liable to be interfered by this Hon'ble Court.

41. That the action of the state respondents not being confined and structured by rational, relevant and non-discriminatory standard or norms, rather it being a departure from the standard and norms, the aforesaid action of the Respondent authorities is liable to be interfered with by this Hon'ble Court.

42. That the Petitioner has no other adequate, equally efficacious alternative remedy available to it and the reliefs prayed for, if allowed, shall be just, proper and adequate.

43. That the petitioner submits that he had not approached before any other court of law including this Hon'ble High Court challenging the subject matter of the present writ petition.

44. That the petitioner demanded justice and the same have been denied to him.

45. That this application is made bonafide and for ends of justice.

PRAYER

In the premises aforesaid, it is respectfully prayed that your Lordships may be pleased to admit this petition, call for the records and issue a Rule calling upon the Respondents to show cause as to why-

- (i). a writ in the nature of Certiorari should not be issued for setting aside and quashing the Impugned letter dated 05-02-2025 issued by the Member Secretary, Pollution Control Board, Assam withdrawing the "Consent to Establish" (CTE) granted in favour of the M/S JPIS Enterprise vide No. WB/KMP/T-210/23-24/5 dated 28-11-2023i and/or;

- (ii). a writ in the nature of Mandamus shall not be issued commanding/directing the Respondent authorities not to cause unnecessary harassment to the petitioner bringing false and fabricated allegations against the petitioner and allow the petitioner to operate her Brick kiln namely- M/s JPIS Enterprise and / or Pass such other order or orders as the Hon'ble court

may deem fit and proper in the facts and circumstances of the case.

-AND-

Pending disposal of the Rule, Your Lordships may be pleased to stay the operation of the impugned letter dated 05-02-2025 issued by the Member Secretary, Pollution Control Board, Assam withdrawing the Consent to Establish (CTE) granted in favour of the M/S JPIS Enterprise vide No. WB/KMP/T-210/23-24/5 dated 28-11-2023i and/or and / or pass any such further order(s) as your Lordships may deem fit and proper in the interest of justice.

And for this act of kindness, the petitioner as in duty bound shall ever pray.

AFFIDAVIT

I, Parbin Sultana, W/o- Md. Jiyaur Pasa, aged about 38 years, a resident of Nalbari Town, Ward No. 8, P.O.& PS- Nalbari, District- Nalbari in the state of Assam do hereby solemnly affirm and state as follows:-

1. That I am the petitioner in the instant petition and as such, I am fully acquainted with the facts and circumstances of the case. I am also competent to swear this affidavit. I may be contacted on 99540-10049
2. That the statements made in affidavit and in the accompanying petition at Paragraphs-**1, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 16, 18, 19, 20, 21 & 24 to 29 & 30-37** are true to my knowledge and those made in Paragraphs-**2, 3, 8, 15, 17, 22 & 23** are being matters of record are true to my information derived there from which I believe to be true and the rests are my humble submissions before this Hon'ble Court.
3. That the mobile number in which I can be contacted is **9954010049** and if during the pendency of the instant proceedings, there is a change in my contact number, I undertake to inform the Registry of this Hon'ble Court.

-: OATH :-

"I swear that this my declaration is true, that it conceals nothing, and that no part of it is false, so help me God."

And I sign this affidavit on this the 28th Day of February, 2025 at Guwahati.

Identified by me

Advocate's Clerk.

DEPONENT

Solemnly affirmed before me this day, I certify that I read over and explained the contents to the declarant and that the declarant seemed perfectly to understand them.

DISTRICT: NALBARI

IN THE GAUHATI HIGH COURT AT GUWAHATI

(The High Court of Assam, Nagaland, Mizoram and Arunachal Pradesh)

(CIVIL EXTRA - ORDINARY JURISDICTION)

WRIT PETITION (C) NO. 5421 OF 2025

Md. Jiyaur Pasa _____Petitioner

-Versus-

The State of Assam & Others _____Respondents

SYNOPSIS

The petitioner herein is the proprietor of a Stone Crusher namely- M/S Pasa Construction installed at village- Khudra Katara under Mouza- Batahghila in the Nalbari District after obtaining the Permission granted under **Registration No. NKD/STONE CRUSHER/150 OF 2024 (YEAR) M/S PASA CONSTRUCTION** upto 31st December, 2024 by the Divisional Forest Officer, North Kamrup Division, Rangia and accordingly after completion of the time period for running of the said **M/S PASA CONSTRUCTION** as per permission dated 12-02-2024, the petitioner had again obtained necessary clearances from the concerned authorities like, Pollution Control Boad, Assam as well as other authorities, the petitioner had submitted his application for renewal of permission in prescribed formant in respect of the M/S PASA CONSTRUCTION before the Divisional Forest Officer, North Kamrup Division, Rangia on 23-04-2025 along with requisite fees for renewal in the form of challan but till date, the permission have not yet been renewed by the Divisional Forest Officer, North Kamrup Division, Rangia causing huge financial loss to the petitioner. Hence this writ petition.

Filed by the petitioner through:

Barnimul Hoque
Advocate

DISTRICT: NALBARI**IN THE GAUHATI HIGH COURT AT GUWAHATI***(The High Court of Assam, Nagaland, Mizoram and Arunachal Pradesh)*

(CIVIL EXTRA - ORDINARY JURISDICTION)

WRIT PETITION (C) NO. 5421 OF 2025

Md. Jlyaur Pasa

_____Petitioner

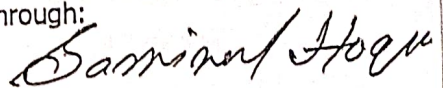
-Versus-

The State of Assam & Others

_____Respondents

INDEX

Sl. No.	Particulars of the documents	Page Nos.
1.	Writ Petition	1-11
2.	Affidavit	12
3.	Annexures- A1 & A2 (Copies of the Registration Certificates)	13-14
4.	Annexure-B (Copy of the permission dated 12-02-2024)	15
5.	Annexure- C (Copy of the renewal Application dated 23-04-2025)	16-24
6.	Annexure-D (Copy of the letter dated 04-08-2025)	25

Filed by the petitioner
through:


Advocate

DISTRICT: NALBARI

IN THE GAUHATI HIGH COURT AT GUWAHATI

(The High Court of Assam, Nagaland, Mizoram and Arunachal Pradesh)

(CIVIL EXTRA - ORDINARY JURISDICTION)

WRIT PETITION (C) NO. 5421 OF 2025

Md. Jiyaur Pasa

_____Petitioner

-Versus-

The State of Assam & Others

_____Respondents

LIST OF DATES

Sl. No.	Date	Particulars
1.	12-02-2024	Permission was granted for installation of Stone crusher
2.	23-04-2025	Petitioner had submitted application for renewal.

Filed by the petitioner
through:

Samiou Hussain
,Advocate

44
43

DISTRICT: NALBARI

**IN THE GAUHATI HIGH COURT AT
GUWAHATI**

(The High Court of Assam, Nagaland Mizoram and Arunachal Pradesh)

(CIVIL EXTRA - ORDINARY JURIS' DICTION)

WRIT PETITION (C) NO. 5421 OF 2025

CATEGORY OF CASE : Other Settlements
CATEGORY OF CODE : 10148

To

The Hon'ble **MR. JUSTICE ASHUTOSH KUMAR**, the Chief Justice of the Hon'ble Gauhati High Court and His other companion Justices of the said Hon'ble Court.

IN THE MATTER OF:

An application under Article 226 of the Constitution of India praying for issuance of a writ in the nature of Mandamus, Certiorari and/or any other appropriate writ, order or direction of like nature.

Filed by the petitioner through

Darshini Jyoti
Advocate, Date 04.01.2025

-68-

11

-AND-

IN THE MATTER OF:

For enforcement of the petitioner's rights guaranteed under provisions of the Constitution of India and for enforcement of other legal rights of the petitioner.

-AND-

IN THE MATTER OF:

Non renewal of the Stone Crusher license in respect of the M/S Pasa Construction (Stone Crusher Unit) at village- Khudra Katara, Mouza- Batahghila, Dist- Nalbari

-AND-

IN THE MATTER OF:

Non consideration of the representation dated 23-04-2025 submitted before the Divisional Forest Officer, North Kamrup Division,

46

46

276
~~7~~

Rangia for renewal of the permission of the petitioner Stone Crusher.

-AND-

IN THE MATTER OF:

Violation of the principles of natural justice, equity, good conscience and administrative fair-play.

-AND-

IN THE MATTER OF:

Md. Jiyaur Pasa, 45,
S/O-Late Salim Pasa
Nalbari Town, Ward No-8
P.S & P.O-Nalbari
Dist-Nalbari, Assam- 781335.

_____ **PETITIONER**

-VERSUS-

- 1. The State of Assam,**
Represented by the Secretary to the Government of Assam, Environment and Forest Deptt, Dispur, Guwahati-6.

2. That the petitioner respectfully begs to state that he is the proprietor of **M/s Pasa Construction (Stone Crusher Unit)** situated at Village- Khudra Katara under Mouza- Batahghila in the Nalbari District which is registered under the Micro Small Enterprise Development Act, 2006 bearing Registration No. UDYAM-AS-23-B0000643 and GST No. 18AAZFP0668C12T having its registered office at Nalbari Town, Ward No. 08, PO & Dist- Nalbari, Assam- 781335.

Copies of the Registration Certificates are annexed hereto and marked as **ANNEXURES- A1 & A2.**

3. That the petitioner respectfully begs to state that after obtaining necessary clearance from all the concerned authorities for installation of a new Stone Crusher Unit under the name and style of **M/S PASA CONSTRUCTION** at village- Khudra Katara under Mouza- Batahghila in the Nalbari District, the Divisional Forest Officer, North Kamrup Division, Rangia had issued the Form of Permission granted under **Registration No. NKD/STONE CRUSHER/150 OF 2024 (YEAR) M/S PASA CONSTRUCTION** upto 31st December, 2024.

A copy of the permission dated 12-02-2024 is annexed hereto and marked as **ANNEXURE- B.**

4. That the petitioner respectfully begs to state that after installing the stone crusher under **Registration No. NKD/STONE CRUSHER/150 OF 2024**, the petitioner had carried out his business of stone crusher as per terms and condition of the Form of Permission granted to the petitioner by the Divisional Forest Officer, North Kamrup Division, Rangia and other laws and rules in force.

5. That the petitioner respectfully begs to state that after completion of the time period for running of the said **M/S PASA CONSTRUCTION** as per permission dated 12-02-2024, the petitioner had again obtained necessary clearances from the concerned authorities like, Pollution Control Board, Assam as well as other authorities, the petitioner had submitted his application for renewal of permission in prescribed formant in respect of the **M/S PASA CONSTRUCTION** before the Divisional Forest Officer, North Kamrup Division, Rangia on 23-04-2025 along with requisite fees for renewal in the form of challan .

A copy of the renewal application dated 23-04-2025 is annexed hereto and marked as **ANNEXURE- C**.

6. That the petitioner respectfully begs to state that although the petitioner had submitted his application for renewal of permission in prescribed formant in respect of the **M/S PASA**

CONSTRUCTION before the Divisional Forest Officer, North Kamrup Division, Rangia on 23-04-2025 but the Divisional Forest Officer, Rangia did not take any steps for renewal of the permission in respect of the M/S PASA CONSTRUCTION due to which the petitioner has been facing huge financial loss and as such, having no other alternatives, the petitioner had once again approached the Divisional Forest Officer, North Kamrup Division, Rangia on 04-08-2025 had requested him to renew the permission in respect of the M/S PASA CONSTRUCTION since due to non-renewal of the permission, the petitioner has been suffering huge financial loss but till date no any action for renewal of permission of the M/S Pasa Construction has been taken by the said Divisional Forest Officer, North Kamrup Division, Rangia.

A copy of the letter dated 04-08-2025 is annexed hereto and marked as **ANNEXURE- D.**

7. That the petitioner respectfully begs to state that although the petitioner had furnished all the requisite documents/permission from all the concerned authorities along with his application for renewal of permission in respect of the M/s Pasa Construction before the Divisional Forest Officer, North Kamrup Division, Rangia but the said Divisional Forest Officer have not yet renewed the permission in respect of the M/s Pasa

Construction for which the petitioner is suffering from huge financial loss and passing his days in mental agony and as such the purported action of the Divisional Forest Officer, North Kamrup Division, Rangia not renewing the permission in respect of the M/s Pasa Construction is liable to be interfered by this Hon'ble High Court for the ends of justice.

8. That the petitioner respectfully begs to state that although it was incumbent on the part of the Divisional Forest Officer, North Kamrup Division, Rangia to renew the permission in respect of the M/s Pasa Construction on being approached by the petitioner by submitting all the requisite and necessary document for renewal but the said Divisional Forest Officer, Rangia have not yet renewed the permission in respect of the M/s Rana Construction causing undue various hardships to the petitioner and as such the same is liable to be interfered by this Hon'ble Court for the ends of justice.

9. That the petitioner respectfully submits that the petitioner had already invested huge amount of his hard earned money in the said M/s Pasa Construction (a stone crusher unit) and under such circumstances, if the permission in respect of the said stone crusher is not renewed despite of fulfilling all the requisite criteria for renewal of permission, it will cause irreparable loss and injury to the petitioner and as such the purported action of the Divisional Forest Officer, Rangia not renewing the permission in respect of

the M/s Pasa Construction is liable to be interfered by this Hon'ble High Court for the ends of justice.

10. That the petitioner respectfully begs to submit that the instant case is a fit case wherein this Hon'ble High Court may be pleased to invoke its extraordinary jurisdiction under Article 226 of the Constitution of India, intervene in the matter in an appropriate manner and pleased to direct the Divisional Forest Officer, North Kamrup Division, Rangia to renew the permission granted to the M/s Pasa Construction vide Registration No. NKD/STONE CRUSHER/150 OF 2024.

11. That the petitioner submits that in the present case when Rules provides for liberal approach, the procedure, methodology and the process adopted not renewing the permission in respect of the M/s Pasa Construction is based on arbitrary and capricious standards to harass the petitioner in a discriminatory manner, which is not permissible in a democratic society and as such the same is liable to be interfered by this Hon'ble Court.

12. That the action of the state respondents not being confined and structured by rational, relevant and non-discriminatory standard or norms, rather it being a departure from the standard and norms, the aforesaid action of the

53

52

Respondent authorities is liable to be interfered with by this Hon'ble Court.

13. That the Petitioner has no other adequate, equally efficacious alternative remedy available to it and the reliefs prayed for, if allowed, shall be just, proper and adequate.

14. That the petitioner submits that he had not approached before any other court of law including this Hon'ble High Court challenging the subject matter of the present writ petition.

15. That the petitioner demanded justice and the same have been denied to him.

16. That this application is made bonafide and for ends of justice.

PRAYER

In the premises aforesaid, it is respectfully prayed that your Lordships may be pleased to admit this petition, call for the records and Issue a Rule calling upon the Respondents to show cause as to why-

A writ in the nature of Mandamus shall not be issued commanding/directing the Divisional Forest Officer, North Kamrup Division, Rangia to forthwith renew the permission granted vide Registration No. NKD/STONE CRUSHER/150 OF 2024 to the M/s Pasa Construction at village- Khudra Katara under Mouza- Batahghila in the Nalbari District and / or Pass such other order or orders as the Hon'ble court may deem fit and proper in the facts and circumstances of the case.

-AND-

Pending disposal of the Rule, Your Lordships may be pleased to direct the Divisional Forest Officer, North Kamrup Division, Rangia to operate the petitioner's Stone Crusher namely- M/s Pasa Construction and/or and / or pass any such further order(s) as your Lordships may deem fit and proper in the interest of justice.

And for this act of kindness, the petitioner as in duty bound shall ever pray.

AFFIDAVIT

I, Md. Jiyaar Pasa, aged about 45 years, son of late Salim Pasa, a resident of Nalbari Town, Ward No. 8, P.O.& PS- Nalbari, District- Nalbari in the state of Assam do hereby solemnly affirm and state as follows:-

1. That I am the petitioner in the instant petition and as such, I am fully acquainted with the facts and circumstances of the case. I am also competent to swear this affidavit.

2. That the statements made in affidavit and in the accompanying petition at Paragraphs- **1, 4, 5, 6, 7, 8 & 9** are true to my knowledge and those made in Paragraph- **2 & 3** is being matters of record are true to my information derived there from which I believe to be true and the rests are my humble submissions before this Hon'ble Court.

3. That the mobile number in which I can be contacted is **9954010049** and if during the pendency of the instant proceedings, there is a change in my contact number, I undertake to inform the Registry of this Hon'ble Court.

OATH:- "I swear that, this my declaration is true, that it conceals nothing, and that no part of it is false, so help me God."

And I sign this affidavit on this the 4th Day of September, 2025 at Guwahati.

Identified by me.:

Advocate's Clerk.

DEPONENT

Solemnly affirmed before me this day, I certify that I read over and explained the contents to the declarant and that the declarant seemed perfectly to understand them.

GAHC010045752025



undefined

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

Case No. : WP(C)/1409/2025

PARBIN SULTANA
PROPRIETOR, M/S JPIS ENTERPRISE, W/O MD. JIYEUR PASA, NALBARI
TOWN, WARD NO. 8, P.S. AND P.O.- NALBARI, DIST- NALBARI, ASSAM-
781335

VERSUS

THE STATE OF ASSAM AND 8 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT
OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
DISPUR, GUWAHATI-06, ASSAM

2:THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
FOREST DEPARTMENT
DISPUR
GUWAHATI-6
ASSAM

3:THE POLLUTION CONTROL BOARD
ASSAM
REPRESENTED BY ITS CHAIRMAN
BAMUNIMAIDAM
GUWAHATI-21
ASSAM

4:THE MEMBER SECRETARY
POLLUTION CONTROL BOARD
ASSAM
BAMUNIMAIDAM
GUWAHATI-21
ASSAM

5:THE SENIOR ENVIRONMENTAL ENGINEER
REGIONAL HEAD
REGIONAL OFFICE
KAMRUP
ASSAM

6:THE DISTRICT COMMISSIONER
NALBARI DISTRICT
NALBARI
ASSAM-781335

7:THE ADDITIONAL DISTRICT MAGISTRATE
NALBARI DISTRICT
NALBARI
ASSAM-781335

8:THE DIVISIONAL FOREST OFFICER
NORTH KAMRUP DIVISION
RANGIA
ASSAM

9:THE CIRCLE OFFICER
NALBARI REVENUE CIRCLE
NALBARI
ASSAM-78133

Advocate for the Petitioner : MD S HOQUE, MR. M DEKA

Advocate for the Respondent : SC, REVENUE AND DISASTER MANAGEMENT DEPT, SC,
FOREST,SC, P C B A,GA, ASSAM

BEFORE

HON'BLE MR JUSTICE ARUN DEV CHOUDHURY

ORDER

12.03.2025

1. Heard Mr. S. Hoque, learned counsel for the petitioner and Ms. G. Hazarika, learned Standing counsel, Revenue and Disaster Management

Department, Assam for the respondent No.1. Also heard Mr. C.K. Baruah, learned Standing counsel, Pollution Control Board, Assam for the respondent Nos. 3 & 4 and Mr. S.K.Medhi, learned Government Advocate, Assam for the respondent Nos. 6, 7 & 9.

2. The petitioner is aggrieved by a letter dated 05.02.2025 whereby the Consent to Establish (CTE) granted in favour of her proprietorial firm, namely, M/s J.P.I.S. Enterprise was withdrawal.

3. Issue notice, returnable on **22.04.2025**.

4. As Ms. Hazarika, learned Standing counsel, Revenue and Disaster Management Department, Assam, Mr. Baruah, learned Standing counsel, Pollution Control Board, Assam and Mr. Medhi, learned Government Advocate, Assam, accept notices on behalf of the respondent Nos. 1 ; 3 & 4 and 6, 7 & 9 respectively, no formal notice need to be issued to those respondents.

5. Extra copies of this writ petition in requisite numbers be served upon the aforesaid counsels.

6. Notices be served upon the respondent Nos. 2, 5 & 8 through the office of the Standing counsel, Forest and Environment Department, Assam within a period of 5 (five) days from today.

7. The respondents shall keep their records ready for perusal of this Court so as to appreciate the reason for withdrawal of such Consent to Establish which was earlier granted to the petitioner's firm.

8. List accordingly.

JUDGE

GAHC010045752025



undefined

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

Case No. : WP(C)/1409/2025

PARBIN SULTANA
PROPRIETOR, M/S JPIS ENTERPRISE, W/O MD. JIYAU PASA, NALBARI
TOWN, WARD NO. 8, P.S. AND P.O.- NALBARI, DIST- NALBARI, ASSAM-
781335

VERSUS

THE STATE OF ASSAM AND 8 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT
OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
DISPUR, GUWAHATI-06, ASSAM

2:THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
FOREST DEPARTMENT
DISPUR
GUWAHATI-6
ASSAM

3:THE POLLUTION CONTROL BOARD
ASSAM
REPRESENTED BY ITS CHAIRMAN
BAMUNIMAIDAM
GUWAHATI-21
ASSAM

4:THE MEMBER SECRETARY
POLLUTION CONTROL BOARD
ASSAM
BAMUNIMAIDAM
GUWAHATI-21
ASSAM

5:THE SENIOR ENVIRONMENTAL ENGINEER
REGIONAL HEAD
REGIONAL OFFICE
KAMRUP
ASSAM

6:THE DISTRICT COMMISSIONER
NALBARI DISTRICT
NALBARI
ASSAM-781335

7:THE ADDITIONAL DISTRICT MAGISTRATE
NALBARI DISTRICT
NALBARI
ASSAM-781335

8:THE DIVISIONAL FOREST OFFICER
NORTH KAMRUP DIVISION
RANGIA
ASSAM

9:THE CIRCLE OFFICER
NALBARI REVENUE CIRCLE
NALBARI
ASSAM-78133

Advocate for the Petitioner : MD S HOQUE, MR. M DEKA

Advocate for the Respondent : SC, REVENUE AND DISASTER MANAGEMENT DEPT, SC,
FOREST,SC, P C B A,GA, ASSAM

BEFORE
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

22.04.2025

Referring to this Court's order dated 12.03.2025, Mr. S. Baruah, learned State counsel submit that he will receive the record within a period of one week from today. Accordingly, he prays for an adjournment.

Prayer stands allowed.

Mr. I. Borthakur, learned Standing counsel, Forest Department also submits that there is another writ petition pending involving same plot of land. Therefore, both the matters shall be taken up together.

List this matter again on **06.05.2025** along with WP(C) No. 50/2025.

JUDGE

Comparing Assistant

GAHC010045752025



undefined

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

Case No. : WP(C)/1409/2025

PARBIN SULTANA
PROPRIETOR, M/S JPIS ENTERPRISE, W/O MD. JIYAU PASA, NALBARI
TOWN, WARD NO. 8, P.S. AND P.O.- NALBARI, DIST- NALBARI, ASSAM-
781335

VERSUS

THE STATE OF ASSAM AND 8 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT
OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
DISPUR, GUWAHATI-06, ASSAM

2:THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
FOREST DEPARTMENT
DISPUR
GUWAHATI-6
ASSAM

3:THE POLLUTION CONTROL BOARD
ASSAM
REPRESENTED BY ITS CHAIRMAN
BAMUNIMAIDAM
GUWAHATI-21
ASSAM

4:THE MEMBER SECRETARY
POLLUTION CONTROL BOARD
ASSAM
BAMUNIMAIDAM
GUWAHATI-21
ASSAM

5:THE SENIOR ENVIRONMENTAL ENGINEER
REGIONAL HEAD
REGIONAL OFFICE
KAMRUP
ASSAM

6:THE DISTRICT COMMISSIONER
NALBARI DISTRICT
NALBARI
ASSAM-781335

7:THE ADDITIONAL DISTRICT MAGISTRATE
NALBARI DISTRICT
NALBARI
ASSAM-781335

8:THE DIVISIONAL FOREST OFFICER
NORTH KAMRUP DIVISION
RANGIA
ASSAM

9:THE CIRCLE OFFICER
NALBARI REVENUE CIRCLE
NALBARI
ASSAM-78133

Advocate for the Petitioner : MD S HOQUE, MR. M DEKA

Advocate for the Respondent : SC, REVENUE AND DISASTER MANAGEMENT DEPT, SC,
FOREST,SC, P C B A,GA, ASSAM

Linked Case : WP(C)/50/2025

PARBIN SULTANA
PROPRIETOR
M/S JPIS ENTERPRISE
W/O- MD. JIYAU PASA
NALBARI TOWN
WARD NO-8
P.S. AND P.O.- NALBARI
DIST.- NALBARI
ASSAM- 781335

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
DISPUR
GUWAHATI-06

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FOREST DEPARTMENT
DISPUR
GUWAHATI-6

3:THE POLLUTION CONTROL BOARD
ASSAM
REPRESENTED BY ITS CHAIRMAN
BAMUNIMAIDAM
GUWAHATI-21

4:THE SENIOR ENVIRONMENTAL ENGINEER
REGIONAL HEAD
REGIONAL OFFICE
KAMRUP

5:THE DISTRICT COMMISSIONER
NALBARI DISTRICT
NALBARI
ASSAM- 781335

6:THE ADDITIONAL DISTRICT MAGISTRATE
NALBARI DISTRICT
NALBARI
ASSAM- 781335

7:THE DIVISIONAL FOREST OFFICER
NORTH KAMRUP DIVISION
RANGIA
ASSAM-

8:THE CIRCLE OFFICER
NALBARI REVENUE CIRCLE
NALBARI
ASSAM- 781335

Advocate for : MD S HOQUE
Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND 7 ORS

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : --06.05.2025

Heard Mr. S. Haque, learned counsel for the petitioner; Mr. I. Borthakur, learned Standing Counsel, Forest Department; Ms. G. Hazarika, learned Standing Counsel, Revenue Department and Mr. S. Baruah, learned Standing Counsel, Assam State Pollution Control Board for the respondents.

In the writ petition, W.P.[C.] no. 1409/2025, the category of code has been mentioned as 10148, which pertains to Bench–IV. However, the Category Code has been changed subsequently to 10189. As a result, the writ petition, W.P.[C.] no. 1409/2025 is allotted to Civil Bench–V. The previous writ petition, W.P.[C.] 50/2025 of the same petitioner pertains to the same subject-matter is under Category Code 10148 and the writ petition, W.P.[C.] 50/2025 is allotted to Civil Bench–IV.

The Registry is to examine the reason for changing the Category Code of the writ petition no. 1409/2025 from '10148' to '10189' which is otherwise residual Category Code. Both the cases be listed, thereafter, before the appropriate bench in the next week.

JUDGE

Comparing Assistant

GAHC010280392024



2025:GAU-AS:10588

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

Case No. : WP(C)/1409/2025

PARBIN SULTANA
PROPRIETOR
M/S JPIS ENTERPRISE
W/O MD. JIYAU PASA
NALBARI TOWN
WARD NO. 8
P.S. AND P.O.- NALBARI
DIST- NALBARI
ASSAM-781335

VERSUS

THE STATE OF ASSAM AND 8 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT
OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
DISPUR
GUWAHATI-06
ASSAM

2:THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
FOREST DEPARTMENT
DISPUR
GUWAHATI-6
ASSAM

3:THE POLLUTION CONTROL BOARD
ASSAM
REPRESENTED BY ITS CHAIRMAN
BAMUNIMAIDAM
GUWAHATI-21
ASSAM

4:THE MEMBER SECRETARY
POLLUTION CONTROL BOARD
ASSAM
BAMUNIMADAM
GUWAHATI-21
ASSAM

5:THE SENIOR ENVIRONMENTAL ENGINEER
REGIONAL HEAD
REGIONAL OFFICE
KAMRUP
ASSAM

6:THE DISTRICT COMMISSIONER
NALBARI DISTRICT
NALBARI
ASSAM-781335

7:THE ADDITIONAL DISTRICT MAGISTRATE
NALBARI DISTRICT
NALBARI
ASSAM-781335

8:THE DIVISIONAL FOREST OFFICER
NORTH KAMRUP DIVISION
RANGIA
ASSAM

9:THE CIRCLE OFFICER
NALBARI REVENUE CIRCLE
NALBARI
ASSAM-781335

For the Petitioner(s) : Mr. S. Hoque, Advocate

For the Respondent(s) : Mr. J. Handique, SC, Revenue
: Mr. I. Borthakur, SC, Forest

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 11.08.2025

Taking into account that Mr. S. Baruah, the learned Standing counsel for the Pollution Control Board is not present, for the ends of justice, the matter stands adjourned to be listed again on 27.08.2025.

JUDGE

Comparing Assistant

GAHC010045752025



undefined

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

Case No. : WP(C)/1409/2025

PARBIN SULTANA
PROPRIETOR, M/S JPIS ENTERPRISE, W/O MD. JIYEUR PASA, NALBARI
TOWN, WARD NO. 8, P.S. AND P.O.- NALBARI, DIST- NALBARI, ASSAM-
781335

VERSUS

THE STATE OF ASSAM AND 8 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT
OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
DISPUR, GUWAHATI-06, ASSAM

2:THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
FOREST DEPARTMENT
DISPUR
GUWAHATI-6
ASSAM

3:THE POLLUTION CONTROL BOARD
ASSAM
REPRESENTED BY ITS CHAIRMAN
BAMUNIMAIDAM
GUWAHATI-21
ASSAM

4:THE MEMBER SECRETARY
POLLUTION CONTROL BOARD
ASSAM
BAMUNIMAIDAM
GUWAHATI-21
ASSAM

5:THE SENIOR ENVIRONMENTAL ENGINEER
REGIONAL HEAD
REGIONAL OFFICE
KAMRUP
ASSAM

6:THE DISTRICT COMMISSIONER
NALBARI DISTRICT
NALBARI
ASSAM-781335

7:THE ADDITIONAL DISTRICT MAGISTRATE
NALBARI DISTRICT
NALBARI
ASSAM-781335

8:THE DIVISIONAL FOREST OFFICER
NORTH KAMRUP DIVISION
RANGIA
ASSAM

9:THE CIRCLE OFFICER
NALBARI REVENUE CIRCLE
NALBARI
ASSAM-78133

Advocate for the Petitioner : MD S HOQUE, MR. M DEKA

Advocate for the Respondent : SC, REVENUE AND DISASTER MANAGEMENT DEPT, SC,
FOREST,SC, P C B A,GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE

ORDER

Date : 27.08.2025

In view of the order passed today in I.A.(Civil) No. 2813/2025, the petitioner to file amended cause title.

Registry to incorporate the names of newly impleaded respondent Nos. 10

& 11.

As the newly impleaded respondents have already received the copy of the petition along with annexures, no formal notice need be issued.

As prayed for, list the matter on 09.09.2025.

JUDGE

Comparing Assistant

GAHC010045752025



undefined

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

Case No. : WP(C)/1409/2025

PARBIN SULTANA
PROPRIETOR, M/S JPIS ENTERPRISE, W/O MD. JIYAU PASA, NALBARI
TOWN, WARD NO. 8, P.S. AND P.O.- NALBARI, DIST- NALBARI, ASSAM-
781335

VERSUS

THE STATE OF ASSAM AND 10 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT
OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
DISPUR, GUWAHATI-06, ASSAM

2:THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
FOREST DEPARTMENT
DISPUR
GUWAHATI-6
ASSAM

3:THE POLLUTION CONTROL BOARD
ASSAM
REPRESENTED BY ITS CHAIRMAN
BAMUNIMAIDAM
GUWAHATI-21
ASSAM

4:THE MEMBER SECRETARY
POLLUTION CONTROL BOARD
ASSAM
BAMUNIMAIDAM
GUWAHATI-21
ASSAM

5:THE SENIOR ENVIRONMENTAL ENGINEER
REGIONAL HEAD
REGIONAL OFFICE
KAMRUP
ASSAM

6:THE DISTRICT COMMISSIONER
NALBARI DISTRICT
NALBARI
ASSAM-781335

7:THE ADDITIONAL DISTRICT MAGISTRATE
NALBARI DISTRICT
NALBARI
ASSAM-781335

8:THE DIVISIONAL FOREST OFFICER
NORTH KAMRUP DIVISION
RANGIA
ASSAM

9:THE CIRCLE OFFICER
NALBARI REVENUE CIRCLE
NALBARI
ASSAM-781335

10:NAYAN MONI DEKA
S/O MANGALU HALOI
VILL- CHENGNOI
P.S. AND DIST- NALABRI
PIN-781337
ASSAM

11:PRANJAL SHARMA
S/O KHAGESWAR SHARMA
VILL. CHENGNOI
P.S. AND DIST- NALBARI
ASSAM
PIN-781337

Advocate for the Petitioner : MD S HOQUE, MR. M DEKA

Advocate for the Respondent : SC, REVENUE AND DISASTER MANAGEMENT DEPT, SC,
FOREST,SC, P C B A,GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 09.09.2025

Heard Md. S. Hoque, learned counsel for the petitioner. Also heard Mr. S. S. Roy, learned Government Advocate for the State of Assam and Mr. S. Baruah, learned Standing Counsel, PCBA.

Mr. A. A. Treya, learned counsel appearing on behalf of the newly impleaded respondent Nos. 10 & 11 seeks sometime to file affidavit.

Accordingly, list this matter **after 3 (three) weeks**.

In the meantime, the respondents may file their affidavit.

JUDGE

Comparing Assistant