

GAHC010104862018



2025:GAU-AS:1104

THE GAUHATI HIGH COURT

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

Case No. : PIL(Suo Moto)/3/2018

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VERSUS

1. IN RE- THE STATE OF ASSAM AND 15 ORS.
REP. BY THE CHIEF SECRETARY, JANATA BHAWAN, DISPUR, GUWAHATI

2: THE COMMISSIONER AND SECRETARY,
ENVIRONMENT AND FOREST DEPTT., GOVT. OF ASSAM
H-BLOCK, 2ND FLOOR, JANATA BHAWAN, DISPUR, GUWAHATI.

3: THE PRINCIPAL CHIEF CONSERVATOR OF FOREST,
ARANYA BHAWAN, PANJABARI, GUWAHATI.

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

5: THE DIRECTOR GENERAL OF POLICE, ASSAM,
DR. B.K. KAKATI ROAD, ULUBARI, GUWAHATI.

6: THE SUPERINTENDENT OF POLICE, TINSUKIA,
OFFICE OF THE SUPERINTENDENT OF POLICE, BORGURI, TINSUKIA.

7: THE DEPUTY COMMISSIONER, TINSUKIA,
OFFICE OF THE DEPUTY COMMISSIONER, BORGURI, TINSUKIA.

8: THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM,
MINES AND MINERALS DEPARTMENT, GOVT. OF ASSAM,
JANATA BHAWAN, BLOCK-A, 4TH FLOOR, DISPUR, GUWAHATI.

9: THE SUPERINTENDENT OF POLICE, DIBRUGARH, ASSAM.

10: THE NORTH EAST COALFIELD COAL INDIA LTD.,

BLACK DIAMOND TOWER, G. S. ROAD ABC POST OFFICE, CHRISTIAN BASTI, GUWAHATI-5, ASSAM.

11:THE STATE OF ARUNACHAL PRADESH
REPRESENTED BY ITS CHIEF SECRETARY
ITANAGAR, ARUNACHAL PRADESH.

12:THE DEPUTY COMMISSIONER, DIBRUGARH, ASSAM.

13:SRI MAUSOM BARUAH,
SON OF SHRI BINOD KUMAR BARUAH,, RESIDENT OF GANDHI NAGAR,
MAKUM, P.O. AND P.S. MAKUM, DISTRICT- TINSUKIA, ASSAM PIN-786125.

14:THE ARANYA SURAKSHA UNDIVIDED SIVSAGAR DISTRICT
COMMITTEE, REPRESENTED BY ITS PRESIDENT BIRAJ GOGOI
SON OF LATE NAGEN GOGOI, VILLAGE-MICHAJAN, P.O.-BARHAT
DISTRICT – CHARAIDEO, ASSAM, PIN-785 693.

15:ARCHAEOLOGICAL SURVEY OF INDIA,
ARCHAEOLOGICAL SURVEY OF INDIA

16:JOGENDRA NATH PHUKAN (INTERVENOR),
RETIRED PROFESSOR OF HISTORY, GAUHATI UNIVERSITY,
PADMASHREE AWARDEE, S/O LATE PREMADHAR PHUKAN,
RESIDENT OF LAKHIMI MANDIR, BELTOLA,
BY LANE NO.1, GUWAHATI-781028. KAMRUP (M)

17:ALL ASSAM AHOM ASSOCIATION AND TAI SIKSHA AND SANSKRITIK
KENDRA DIBRUGARH (INTERVENOR),
REPRESENTED BY ITS PRESIDENT SRI UMA KANTA KONWAR,
AGED ABOUT 70 YEARS, SON OF LATE M.C. KONWAR,
HAVING ITS OFFICE AT BAIRAGI MATH, NIJ KADAMANI,
DIBRUGARH, PIN-786003, ASSAM

For the Petitioner(s) : Mr. T.J. Mahanta, Standing Counsel, Gauhati High Court
and *Amicus Curiae* assisted by Mr. A. Barua, Advocate.

For the Respondent(s) : Ms. R. Baruah, Advocate on behalf of the State of Assam.
: Mr. D. Gogoi, Standing Counsel, Forest Department for
respondent Nos.2, 3 & 4.
: Mr. M.Z. Ahmed, Senior Advocate assisted by Mr. A.M.
Dutta, Advocate for respondent No.10.
: Mr. A. Chandran, Senior Government Advocate, Arunachal
Pradesh for respondent No.11.
: Mr. H. Gupta, Central Government Counsel for respondent
No.15.

: Mr. A. Lahkar, Advocate on behalf of Mr. A. Chamuah,
Advocate for respondent No.16.

– **BEFORE** –
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE SUMAN SHYAM

04.02.2024

(Vijay Bishnoi, CJ)

This PIL (Suo Moto) petition has been registered by this Court taking into consideration a newspaper report dated 05.04.2018 published in a Assamese newspaper, wherein it was reported, *inter-alia*, that illegal activities were carried out by coal smugglers in the Tipam Hills area under Digboi Sub-Division resulting in destruction of historic Tipam Hills.

2. After issuance of notice to the State and other respondents, several compliance reports have been filed before this Court, wherein the State as well as the other respondents have submitted that the illegal mining activities carried out by the coal smugglers in the Tipam Hills under Digboi Sub-Division have now been stopped and regular monitoring is being done so that no illegal mining is carried out by the coal smugglers in the said area.

3. Mr. T.J. Mahanta, learned *Amicus Curiae* has submitted that after the compliance reports filed by the State and other respondents, no illegal activities are being witnessed in the Tipam Hills from last two years. However, learned *Amicus Curiae* has submitted that the State be directed to continue the monitoring and supervision so that illegal mining activities cannot again be carried out by the coal smugglers.

4. It is also noticed that during pendency of this PIL (Suo Moto) petition, another issue regarding protection of the monuments of historical importance of

the Ahom dynasty has also been raised.

In this connection, this Court, on 30.04.2024, directed the State of Assam to bring on record the steps taken by the State Government with regard to the booklet provided by respondent No.16, Dr. Jogendra Nath Phukan, by which it was brought to the notice of the Hon'ble Court about all historical sites and monuments of the Ahom Dynasty in the State of Assam, which are not covered under the protected monuments.

5. Pursuant to the direction given by this Court on 30.04.2024, an affidavit is filed on behalf of the Director, Directorate of Archaeology, Government of Assam on 29.08.2024, wherein a categorical statement is made that a survey is going on to identify the historical monuments and thereafter, necessary steps will be taken to protect the same.

Paragraph No.4 of the said affidavit dated 29.08.2024 is reproduced hereunder :

“4. That, in compliance thereof, the deponent begs to state that the at least two years is required to conduct survey and exploration to authenticate the archeological importance of all the sites included in the booklet by incorporating necessary budgetary provision and also by providing license for exploration from the Archeological Survey of India. Further, from the exhaustive list in the booklet, the Director, Archeology states that 38 (thirty eight) sites are already under the possession of the Directorate of Archeology but the Sattras do not fall under the purview of Directorate of Archeology. Therefore, the historic sites and monuments of the Ahom Dynasty as mentioned in the booklet of Dr. Phukan can be brought under the purview of ‘protected historical sites/monuments’, after measuring its authenticity, integrity and archeological findings which can be established only after a detail and systematic exploration through the Directorate of Archeology, Assam under the Department of Indigenous and Tribal Faith

and Culture.

.....”

6. In the above referred paragraph, it is mentioned that so far as the monuments of the Ahom Dynasty are concerned, an exercise is to be undertaken for the purpose of taking those monuments under the purview of ‘protected historical sites/monuments’ by measuring their authenticity, integrity and archaeological findings.

7. Taking into consideration the above submission made on behalf of the Director, Directorate of Archaeology, we deem it appropriate to dispose of this PIL (Suo Moto) petition at this stage with a direction to the respondents to complete the said exercise expeditiously, preferably, within a period of 6(six) months from today and thereafter, to take effective measures for protection of the historical monuments relating to the Ahom Dynasty in the State of Assam.

Ordered accordingly.

At the same time, we also direct the State Government as well as the other respondents to monitor and supervise the Tipam Hills Area to prevent illegal mining by the coal smugglers.

8. With these observations, this PIL (Suo Moto) petition is disposed of.

JUDGE

CHIEF JUSTICE

Comparing Assistant