

GAHC010019272024



2026:GAU-AS:13465

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

Case No. : WP(C)/552/2024

M/S ROCK VALLEY

A REGISTERED PARTNERSHIP FIRM HAVING HEAD OFFICER AT H/NO. 3,
N.N. DUTTA ROAD, KUMKUM MANSION, SILCHAR TOWN, SILCHAR,
CACHAR, ASSAM, REPRESENTED BY 1. SOURAV PATWA, AGED ABOUT- 42
YEARS, S/O- LATE SHANTILAL PATWA, R/O- NAZIRAPATTY, SILCHAR
TOWN, SILCHAR, DISTRICT- CACHAR, ASSAM, 2. SULTAN AHMED AGED
ABOUT 42 YEARS S/O- ABDUL MAZID, R/O- WATER WORKS ROAD,
SILCHAR, DISTRICT- CACHAR, ASSAM

VERSUS

THE UNION OF INDIA AND 7 ORS
MINISTRY OF FOREST, ENVIRONMENT AND CLIMATE CHANGE THROUGH
THE SECRETARY, INDIRA PARYAVARAN BHAWAN, JORBAGH ROAD, NEW
DELHI- 110003

2:THE STATE OF ASSAM
REPRESENTED BY PRINCIPAL SECRETARY/COMMISSIONER TO THE
GOVERNMENT OF ASSAM
ENVIRONMENT AND FOREST DEPARTMENT
DISPUR-781006

3:THE PRINCIPAL CHIEF CONSERVATOR FOREST
ASSAM
ARANYAK
BATAHGHULI
PANJABARI ROAD
GUWAHATI- 781037

4:THE CHIEF CONSERVATOR FOREST SOUTHERN
ASSAM CIRCLE
SILCHAR

CACHAR
PIN- 788001

5:THE DISTRICT COMMISSIONER
CACHAR
SILCHAR
PIN- 788001

6:THE PERMIT COMMITTEE
REPRESENTED BY THE CHIEF CONSERVATOR FOREST CUM A CHAIRMAN
SOUTHERN ASSAM
CIRCLE
CACHAR
SILCHAR
PIN- 788001

7:THE DIVISIONAL FOREST OFFICER
KARIMGANJ FOREST DIVISION
BOTORASHI
DHARAKUNA
KARIMGANJ
ASSAM
PIN- 788712

8:THE POLLUTION CONTROL BOARD
ASSAM THROUGH REGIONAL EXECUTIVE ENGINEER
1ST FLOOR AT SILCHAR DEVELOPMENT AUTHORITY BUILDING
PWD ROAD
SILCHAR
CACHAR
ASSAM
PIN- 78800

Advocate for the Petitioner : MR. R P SARMAH, MR. D DOLEY,MS A DEKA

Advocate for the Respondent : GA, ASSAM, SC, FOREST,SC, PCB,DY.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 14.09.2026

Heard Mr. R. P. Sarmah, learned Senior Counsel assisted by
Ms. M. Das, learned counsel for the petitioner. Also heard Mr. R. R.

Gogoi, learned counsel appearing for the respondent No. 2, 3, 4, 6 & 7, Mr. R. Talukdar, learned State Counsel appearing for the respondent No. 7, Mr. K. Dev, learned counsel appearing on behalf of Mr. S. Baruah, learned Counsel for the respondent No. 8.

2. By way of this writ petition under Article 226 of the Constitution of India, the petitioner is assailing the impugned order dated 28.10.2022, passed by the Deputy Commissioner, Cachar, Silchar, whereby it has been held that the petitioner's stone crusher unit is located under the prohibited Eco-Sensitive Zone of Borail Wildlife Sanctuary.

3. Without going into the controversy it is suffice to state at the outset that in terms of the affidavit-in-opposition filed on behalf of the respondent No. 5 on 13.08.2025, it is admitted position that the petitioner's stone crusher unit is being functioning illegally within the Eco-Sensitive Zone without valid license, thereby deliberately disobeying the decision of the Permit Committee using limestones illegally against rules and regulations invoked within the Eco-Sensitive Zone of Borail Wildlife Sanctuary. Relevant paragraphs of the affidavit read as under: -

“4. That the deponent further states that it is to be stated here that this order was issued in compliance to the Government of India, Ministry of Environment, Forest & Climate Change (MoEF &CC) Notification dated 25-04-2022 (copy enclosed as Annexure-II) and on the basis of report submitted by the Divisional Forest Officer, Karimganj Division vide his letter No.KJ(T)/102/Crusher/Singhi/ESZ/2022/6521-22 wherein it has been reported that the Stone Crusher unit namely M/s Jaichand Lal Singhi (Stone Crusher), later renamed Rock Valley Stone Crusher functioning illegally within Eco-Sensitive Zone without valid license, deliberately disobeying the decision of the Permit Committee using limestone illegally against rules and regulations in vogue within the Eco-

Sensitive Zone of Borail Wildlife Sanctuary. Copy of Report is enclosed as Annexure-III. As per said Govt. Notification. "All the new and existing mining (minor and major minerals), stone quarrying and crushing units shall be prohibited."

4. The aforesaid position emerging from the affidavit-in-opposition has not been rebutted by the petitioner. There is also no rejoinder filed disputing the said position. In view of the same, it appears that the petitioner's stone crusher unit is functioning within the prohibited Eco-Sensitive Zone of the Borail Wildlife Sanctuary. Hence the same is functioning illegally and without authority whatsoever.

5. In view of the foregoing, this Court finds no merit in the writ petition. Accordingly, the writ petition stands dismissed. There shall be no order as to costs.

JUDGE

Comparing Assistant