

No. B.11011/1/2021-GAD
GOVERNMENT OF MIZORAM
GENERAL ADMINISTRATION DEPARTMENT
MIZORAM SECRETARIAT : MIZORAM NEW CAPITAL COMPLEX (MINECO)

NOTIFICATION

Aizawl, the 14th April, 2021

WHEREAS, the Gauhati High Court, Aizawl Bench in its Judgment and Order dated 27th January, 2021 in WP (C) 45 of 2017, WP (C) 51 of 2017, WP (C) 130 of 2013, WP (C) 131 of 2013, WP (C) 132 of 2013, WP(C) 135 of 2013, WP (C) 16 of 2013, WP (C) 116 of 2013, WP (C) 117 of 2013 and WP (C) 118 of 2013 had set aside and quashed the notification dated 28.01.1965 made under Section 14 read with Section 21 of The Mizo District (Forest) Act, 1955 published in the Assam Gazette which had declared forests located within half a mile on either side of the following rivers to be a Council Reserved Forest:

- (1) Tlawng, (Doleswari)
- (2) Tut, (Gutur)
- (3) Teirei, (Pakwa)
- (4) Langkaih, (Longai)
- (5) Chemlui
- (6) Serlui
- (7) Tuivai
- (8) Tuivawl
- (9) Tuirini
- (10) Tuirial
- (11) Tuiruang
- (12) Khawthlangtuipui (Karnaphuli)
- (13) Tuichawng
- (14) Kau
- (15) De
- (16) Phairuang

AND WHEREAS, the Government of Mizoram preferred not to file an appeal to challenge the said Judgment and Order, but considered the necessity to issue executive order for protection and preservation of the said rivers and their banks.

NOW THEREFORE, the Governor of Mizoram is pleased to declare the said rivers with its banks up to 800 meters from the middle of the river on both sides of the river as 'Restricted Area'. All the rights within the restricted areas shall vest in the State Government and no development or activities will be allowed within the restricted areas without prior approval of the Government of Mizoram. Any actions done within the said Council Reserved Areas in accordance with Notification dated 28.01.1965 before it was set aside by the Gauhati High Court, Aizawl Bench vide its Judgment and Order dated 27/01/2021 shall be considered valid and bonafide exercise of authority.

The Governor of Mizoram is further pleased to authorise certain competent authorities under the Government of Mizoram (Allocation of Business) Rules, 2019 to take action within the restricted areas in the following cases:

1. The Passes already issued with the approval of competent authority are allowed for renewal subject to the fulfilment of the provision of section 43 of the Mizoram (Land

Revenue) Act, 2013, read with the Proviso to Rule 25 (4) of the Mizoram (Land Revenue) Rules, 2013 as amended from time to time.

2. Encroacher within the declared Restricted Areas shall be evicted in accordance with the provisions of the Mizoram (Prevention of Government Land Encroachment) Act, 2001 as amended from time to time.
3. Land occupied for dwelling and other purposes within the declared restricted area shall be verified and cancelled by the Competent Authority if it is found that the occupancy poses any threat to the preservation of the environment and rivers.
4. The land occupied for dwelling, for public purpose etc. without lawful rights/ title within the Restricted Areas shall not be considered for regularization and liable to be evicted unless it is verified the occupied area does not pose any threat to the preservation of environment and rivers.
5. All other activities and uses, residential, commercial, industrial, social and other public purposes undertaken in the interest of the public by different Departments under the Government of Mizoram for purpose of enforcement of certain acts/rules/regulations/guidelines in the said riverine restricted areas shall continue to be in force unless repealed by the Government.

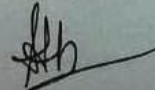
This order will take effect from the date of issue in the Mizoram Gazette.

Sd/- J.C. Ramthanga
Addl. Chief Secretary to the Govt. of Mizoram
General Administration Department
: Aizawl, the 14th April, 2021

Memo No. B.11011/1/2021-GAD

Copy to:

1. Secretary to Governor of Mizoram
2. P.S to Hon'ble Chief Minister, Mizoram
3. P.S to Speaker/ Ministers/ Deputy Speaker/ Ministers of State/ Govt. Deputy Chief Whip/ Vice-Chairman, State Planning Board/all Vice-Chairman, SEDP Board.
4. Sr. P.P.S to Chief Secretary, Govt. of Mizoram
5. P.P.S to Addl. Chief Secretary, Govt. of Mizoram
6. All Principal Secretaries/ Commissioner/Secretaries, Govt. of Mizoram
7. Secretary, MLA/MPSC/ MSIC/MSCPCR/Lok Ayukta
8. All Heads of Departments, Govt. of Mizoram
9. All Deputy Commissioners, Govt. of Mizoram
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(S.T. LALVENSANGI)
Under Secretary to the Govt. Of Mizoram
General Administration Department