

**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**29.04.2014**

The Joint Survey Committee submitted a report on 21.01.2010. The Joint Survey Committee report indicates the danger zone in the case of firing of Guns of the Defence/Army personnel. It is the case of the Army personnel that in the case of firing of Guns of only 100 mtrs range, any part of the petitioner's land is not included in that range.

To that contra, Mr. K Paul, learned counsel for the petitioner contended that even if there is a firing of Guns of 100 mtrs range, some parts of the petitioner's land are also included. The Senior Officer i.e. Brigadier M.M. Dutta, who present in person before this Court submitted that no part of the petitioner's land is covered in the danger zone in the case of firing of Guns of 100 mtrs range. As stated above, this fact is disputed by the learned counsel for the petitioner.

This Court also perused the said Joint Survey Report which is available at Annexure-5 i.e. Page 51-54 of the Contempt Petition. On perusal, this Court is also not very clear as to whether any part of the petitioner's land is covered by the danger zone in the case of firing of Guns of 100 mtrs range. Brigadier Dutta and also the other senior officers present in the Court are also agreeable to conduct an enquiry to find out as to whether any part of the petitioner's land falls within the danger zone in the case of firing of Guns having 100 mtrs range.

Mr. Pathak, learned senior counsel and Mr. SC Shyam, learned senior counsel appearing for the respondents clearly stated that the Army personnel had stopped the firing of Guns having range of 200 mtrs and 300 mtrs respectively.

Accordingly, there should be another Joint Survey to find out as to whether or not any part of the petitioner's land is covered in the danger zone in the case of firing of Guns of 100 mtrs range. The Joint Survey should be conducted by the Additional Deputy Commissioner, East Khasi Hills District, the Army authorities

and Ballistic experts in the presence of the petitioner and her representatives. It is also made clear that one of the Ballistic experts should be from the side of the Army authorities and another from the side of the petitioner in the Joint Survey. The exercise of the Joint Survey as ordered above, should be completed, and submit a report within two months from the date of receipt of a certified copy of this order. The Registry is directed to furnish a copy of this order to the learned counsel appearing for the parties and also to the Additional Deputy Commissioner, East Khasi Hills District in the course of the day.

List this case after two months.

**JUDGE**

**Lam**

**CR(P) No.28/2013**

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As prayed for by the learned appearing for the parties,  
list the case on *27.05.2014*.

Interim order passed earlier shall continue till the next  
returnable date i.e. *27.05.2014*.

**JUDGE**

***Lam***

**MC(WP(C)No.343/2013**  
**In WP(C)No.173/2013**

**BEFORE**  
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**29.04.2014**

In view of the order passed today in  
***WP(C)No.173/2013***, this misc. case also stands disposed of.

**JUDGE**

***Lam***