

GAHC010071502023



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

Case No. : WP(C)/1886/2023

DIBRU PART-I MEEN SAMABAI SAMITI LTD. AND ANR.
A REGISTERED FISHERY CO-OPERATIVE SOCIETY SITUATED AT GUIJAN,
P.S.-TINSUKIA, DIST-TINSUKIA, AND IS REPRESENTED BY ITS SECRETARY
SRI ANIL DAS, S/O LATE KHETRA MOHAN DAS, OF GUIJAN, P.O.-
RANGAGORAH, P.S.-TINSUKIA, DIST-TINSUKIA, ASSAM

2: ANIL DAS
S/O LATE KHETRA MOHAN DAS
SECRETARY OF DIBRU PART-I MEEN SAMABAI SAMITI LTD
R/O GUIJAN
P.O.-RANGAGORAH
P.S.-TINSUKIA
DIST-TINSUKIA
ASSA

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
FISHERIES DEPARTMENT, DISPUR, GUWAHATI-6

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

3:THE SECRETARY TO THE GOVT. OF ASSAM
FISHERIES DEPARTMENT
DISPUR
GUWAHATI-6

4:THE JOINT SECRETARY TO THE GOVERNMENT OF ASSAM
FISHERIES DEPARTMENT
DISPUR

GUWAHATI-6
KAMRUP (M)
ASSAM

5:M/S DIBRU-DANGORI PART-I MEEN SAMABAY SAMITY LTD
REPRESENTED BY ITS SECRETARY
SRI BIKASH DAS
S/O LATE SACHINDRA MOHAN DAS
R/O DIGHALTARANG
TINSUKIA
786151
DIST-TINSUKIA
ASSA

Advocate for the Petitioner : MR. J I BORBHUIYA

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 03-04-2023

Heard Mr. J.I. Borbhuiya, learned counsel for the writ petitioners, who submits that the impugned Order dated 28.03.2023 passed by the Secretary to the Government of Assam, Fishery Department, by which the date of hearing on the complaint lodged by the petitioners against the respondent No. 5 has been cancelled, should be set aside. He further prays that a fresh date should be fixed for hearing of the petitioners' complaint by the Secretary to the Government of Assam, Fishery Department.

2. Mr. M.K. Choudhury, learned senior counsel appearing for the respondent No. 5 submits that the issue whether the respondent No. 5 lives in the

neighbourhood of the Dibru Part-I Fishery Mahal is already subjudice in WP(C) No. 520/2022 and WP(C) No. 728/2022, which is fixed for admission hearing for disposal, immediately after the Bihu Festival. He accordingly submits that in view of the above, the writ petition should be dismissed.

3. Mr. M. Sethia, learned counsel appearing for the respondent Nos. 1 to 4 also submits that the issue that is being raised by the petitioner herein would be decided at the time of disposal of WP(C) No. 520/2022 and WP(C) No. 728/2022 and as such, there is no requirement of having a hearing on the said issue.

4. I have heard the learned counsels for the parties.

5. On considering the fact that the petitioner herein has taken a stand in WP(C) No. 520/2022 that the respondent No. 5 is not in the neighbourhood of the Dibru Part-I Fishery Mahal and as such, could not have been settled with the Fishery, this Court is of the view that the complaints against the respondent No. 5, in any event, would be considered at the time of disposal of WP(C) No. 520/2022. Accordingly, the cancellation of the hearing, with regard to the above issue by the respondent No. 3, does not suffer from any infirmity, as the subject matter in issue is already subjudice before this Court in the above cases.

6. As the above cases referred to in the foregoing paragraphs are to be disposed of after the Bihu Festival, the grievance of the petitioners would be decided by this Court at the time of disposal of those cases.

7. Accordingly, this Court does not find any ground to interfere with the impugned Order dated 28.03.2023 passed by the respondent No. 3.

8. The writ petition is accordingly dismissed.

JUDGE

Comparing Assistant