

GAHC010213372023



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

Case No. : WP(C)/5563/2023

NILANDU DAS
S/O- LATE NARENDRA CH. DAS,
VILL- DEBIGARH,
P.O- RAKESH NAGAR,
P.S- KARIMGANJ, DIST- KARIMGANJ, ASSAM, PIN-788701

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE SECY. TO THE GOVT. OF ASSAM, FISHERY DEPTT., DISPUR,
GUWAHATI-06.

2:THE ASSAM FISHERIES DEVELOPMENT CORPORATION LTD (AFDC)
REP. BY THE MANAGING DIRECTOR
CHACHAL
VIP ROAD
GUWAHATI-36.

3:THE MANAGING DIRECTOR

ASSAM FISHERIES DEVELOPMENT CORPORATION LTD (AFDC)
CHACHAL
VIP ROAD
GUWAHATI-36.

4:THE GENERAL MANAGER
ASSAM FISHERIES DEVELOPMENT CORPORATION LTD (AFDC)
CHACHAL
VIP ROAD
GUWAHATI-36

Advocate for the Petitioner : MR. M K HUSSAIN

Advocate for the Respondent : SC, AFDC

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

22.09.2023

Heard Mr. M.K. Hussain, learned counsel for the petitioner. Also heard Mr. P. Sarma, learned Standing Counsel for the AFDC.

2. This writ petition is filed by the petitioner put into challenge the order dated 11.09.2023, whereby Rata Meen Mahal which is a fishery under the Assam Fisheries Development Corporation in the district of Karimganj settled with the petitioner.

3. By order dated 28.10.2022, the settlement of the fishery was cancelled for non-deposit of the required revenue in terms of the agreement entered by and between the petitioner and the Fisheries Corporation. By the impugned order, it is stated that the earnest money deposit made is also forfeited and recovery for due amount will be taken through Bakijai proceedings.

4. The learned counsel for the petitioner submits that pursuant to the settlement held of the said fishery on 28.10.2022, regular deposits have been made by the petitioner in respect of the fishery. According to the petitioner, he had made the following deposits:

Sl.	Date	Amount
1	12.09.2022	Rs.2,05,654.00
2	12.09.2022	Rs. 2,05,654.00
3.	04.05.2023	Rs. 1,00,000.00
4.	27.07.2023	Rs. 7,16,962.00
Total		Rs.7,16,962.00

- 5.** It is submitted that a Bank Guarantee of Rs. 3,31,995.00 has also been submitted. According to the petitioner that there are certain adjustments required to be made as the petitioner was praying for pro-rata reduction from the settled revenue for the current year i.e. 2022-2023 in respect of the said fishery. The learned counsel for the petitioner submits that by way of the representation dated 31.10.2022, the concerned authority was urged to look into the issue and pass appropriate orders. However, the said representation remained pending and no order as such was served on the petitioner. However, during the pendency of the representation, the impugned order dated 11.09.2023 was passed whereby the Rata Meen Mahal settled with the petitioner was cancelled and his earnest money security deposit was forfeited
- 6.** Mr. Sarma, learned counsel appearing for the Corporations submits that he has no instructions in respect of the representation.
- 7.** This Court is of the view that the matter need not be kept pending at this stage. It can be disposed of with a direction to the respondents to look into the grievances of the petitioner on the basis of the representation stated to have been filed on 31.10.2022. The authorities will thereafter pass effective speaking order and furnish copies thereof to the petitioner.
- 8.** However, in the meantime, if any order that has been passed, the same shall be furnished to be petitioner. The authorities will hear the matter as directed and pass effective orders within thirty(30) days from the date of receipt of certified copy of this order.
- 9.** If the authorities find that any relief can be granted to the petitioner, consequential orders will be passed. Till the date, any speaking orders are passed, the Corporation will not proceed for fresh allotment of the concerned fisheries pursuant to impugned order of cancellation dated 11.09.2023.

10. In terms of the above, the writ petition stands disposed of.

JUDGE

Comparing Assistant