

GAHC010039532017



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

Case No. : WP(C)/5599/2017

SAIKHOWA SADIYA MEEN SAMABAY SAMITI LTD.
A REGISTERED FISHERY CO-OPERATIVE SOCIETY, HAVING ITS
REGISTERED OFFICE AT HATIGHULI,
DHOLLA, IN THE DIST. OF TINSUKIA, ASSAM, REP. BY ITS SECRETARY
SHRI MAINA BISWAS,
R/O VILL- HATIGHULI,
P.O. SAIKHOWAGHAT,
P.S. DHOLLA, DIST. TINSUKIA,
ASSAM, PIN - 786154.

VERSUS

THE STATE OF ASSAM and 4 ORS.
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF SSAM, FISHERY
DEPARTMENT, DISPUR, GUWAHATI -06.

2:THE DEPUTY COMMISISONER
TINSUKIA.

3:THE DEPUTY COMMISSIONER
DIBRUGARH

4:THE COMMITTEE CONSTITUTED TO DEFINE AND RE-DEFINE
THE RIVER FISHERY MAHALS FALLING WITHIN THE JURISDICTION OF
DIBRU SAIKHOWA NATIONAL PARK/DIBRU SAIKHOWA BIOSPHERE
RESERVE IN RESPECT OF CORE
BUFFER AND ECO-SENSITIVE ZONE
REP. BY THE NODAL OFFICER ADDITIONAL DEPUTY COMMISSIONER
TINSUKIA I/C FISHERY.

5:THE DIBRU SAIKHOWA NATIONAL PARK
FISHERMAN EDC
AN ECO-DEVELOPMENT COMMITTEE TINSUKIA

Advocate for the Petitioner : MR.A BHATTACHARJEE, MRG DEKA,MR.N G KUNDU,MR.P K R CHOUDHURY

Advocate for the Respondent : , GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 24.09.2024

No one appears for the petitioner on call. Mr. S. R. Baruah, learned counsel appears for the respondent Nos. 1 to 4. No one appears for the respondent No. 5.

2. The petitioner is aggrieved by the resolution dated 29.07.2017 adopted by the Specially Constituted Committee to define and re-define the river fishery mahals falling in the district of Tinsukia, more particularly, the decision requiring the members of the Fishermen Community to be a part of "Dibru Saikhowa National Park Fisherman EDC". By the aforesaid resolution, it was decided by the committee that the entire fishery was under the Eco Sensitive Zone of the National Park and hence, commercial activities would be restricted therein.

3. By way of an additional affidavit, the petitioner had brought on record an order dated 16.01.2017 issued by the office of the Deputy Commissioner, Dibrugarh by which the concerned fishery had been settled with the petitioner for 7 years. As such, the petitioner's case is that it's right to operate the fishery for 7 years cannot be disturbed.

4. As can be seen from the additional affidavit, the settlement of the fishery with the petitioner expired in January, 2024. The petitioner is not represented

today. The petitioner was also not represented on 16.09.2023. It appears that the petitioner is not interested in pursuing the matter, inasmuch as the settlement period of the fishery was expired.

5. The writ petition is accordingly dismissed for non-prosecution.

JUDGE

Comparing Assistant