

GAHC010046782024



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

Case No. : WP(C)/1320/2024

KAUSHIK DAS
S/O BHOGRAM DAS, VILL- AHATGURI, P.O.-AHATGURI, P.S.-DHARAMTUL,
DIST- MORIGAON, ASSAM, PIN-784145

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
FISHERY DEPARTMENT, DISPUR, GUWAHATI, PIN-781006

2:THE ASSAM FISHERIES CORPORATION LTD
REPRESENTED BY THE MANAGING DIRECTOR
CHACHAL
VIP ROAD
GUWAHATI
PIN-781036

3:THE MANAGING DIRECTOR
ASSAM FISHERIES DEVELOPMENT CORPORATION LTD
CHACHAL
VIP ROAD
GUWAHATI
PIN-781036

4:THE GENERAL MANAGER
ASSAM FISHERIES DEVELOPMENT CORPORATION LTD
CHACHAL
VIP ROAD
GUWAHATI
PIN-78103

Advocate for the Petitioner : MR. M K HUSSAIN

Advocate for the Respondent : SC, AFDC

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 22.03.2024

Heard Mr. M. K. Hussain, learned counsel for the petitioner, who submits that the meen mahal has been settled with the petitioner for 7 years from 2022-2023 to 2028-2029. Though the possession of the fishery was to be handed over to the petitioner on 01.04.2022, the same was handed over only on 08.12.2022. The petitioner has thus prayed that there should be adjustment of the money payable by the petitioner, for the late possession of the mahal by the petitioner by 251 days. He accordingly submits that the claim made by the AFDC to the petitioner for payment of Rs. 18,08,099/-, in terms of the notice dated 20.02.2024 would have to be adjusted, keeping the view the adjustment of the money payable to the petitioner by the AFDC, for giving late possession of the fishery for 251 days.

2. Mr. P. Sarmah, learned counsel for the AFDC has submitted a letter dated 21.03.2024 issued by the Managing Director, AFDC, which is to the effect that reassessment of revenue of the Borjalah Nuwa Beel, Morigaon district has been done and would be placed in the next BOD meeting for approval. As per the reassessment of the revenue done on Borjalah Nuwa Beel, it has been decided that Rs. 6,91,617/- would have to be adjusted against the dues payable by the petitioner.

3. The letter dated 21.03.2024 issued by the Managing Director, AFDC, is made a part of the record and marked as Annexure-X.

4. As the reassessment of the revenue of Borjalah Nuwa Beel requires the approval of the BOD, this Court is of the view that as soon as the BOD gives its approval to the reassessed amount of Rs.6,91,617/-, the same should be adjusted against the dues payable by the petitioner, in terms of the notice dated 20.02.2024, wherein Rs. 18,08,099/- has been claimed against the petitioner.
5. The above being said, the petitioner's representation dated 09.02.2024, which has been submitted to the Managing Director, AFDC should be decided by the concerned authority, within a reasonable time and the decision taken should be communicated to the petitioner thereafter.
6. This writ petition is accordingly disposed of.

JUDGE

Comparing Assistant