

GAHC010049632023



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

Case No. : WP(C)/1388/2023

BARKANA BEEL FISHERY SS LTD
BANIAKUCHI, REP. BY ITS SECRETARY SRI KANAK CHANDRA DAS, AGE
67 YEARS, S/O- LT. BAPURAM DAS, R/O- BANIAKUCHI (LACHIMA), P.O.
AND P.S. SARTHEBARI, DIST.- BARPETA, ASSAM

VERSUS

ASSAM FISHERIES DEVELOPMENT CORPORATION LTD AND 3 ORS
THROUGH THE CHAIRMAN, CHACHAL, VIP ROAD, GUWAHATI-36

2:THE MANAGING DIRECTOR
ASSAM FISHERIES DEVELOPMENT CORPORATION LTD.
CHACHAL
VIP ROAD
GUWAHATI-36

3:THE ASSTT. EXECUTIVE ENGINEER
LOWER AND CENTRAL ASSAM REGION
AFDC LTD.
CHACHAL
VIP ROAD
GUWAHATI-36

4:THE REGIONAL PROJECT ENGINEER
CENTRAL ASSAM ZONE II
AFDC LTD.
CHACHAL
VIP ROAD
GUWAHATI-3

Advocate for the Petitioner : MR. R ALI

Advocate for the Respondent : SC, AFDC

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

12.06.2024

1. Heard Mr. R. Ali, learned counsel for the petitioner and Mr. P. Sharma, learned counsel for the AFDC.

2. It is the case of the petitioner, which is a Cooperative Society that the Kapla Fishery in the district of Barpeta was settled with the petitioner for a period of 7 years and possession thereof was handed over to him on 04.01.2019.

3. During the pendency of the said lease, the petitioner claims to have been allotted work for development of the said Fishery, which according to the petitioner, was completed and bills amounting to Rs. 10,18,314/- was submitted. The learned counsel for the petitioner submits that Project Engineer, vide letter dated 11.11.2021 had requested the Managing Director, Assam Fishery Development Corporation (AFDC) to adjust the aforesaid amount of Rs.10,18,314/- against the revenue.

4. It is the case of the petitioner that without adjusting the same, presently a notice has been issued on 27.01.2023, demanding an amount of Rs. 17,64,633/- within 7 days, failing which the settlement would be cancelled.

5. The petitioner's counsel submits that the development work of the fishery has been done by the petitioner on the basis of the orders/directions passed by the AFDC. He submits that though the petitioner has submitted a representation dated 08.02.2023 to the respondent no.2 to make a field verification of the fishery and to take a decision as to adjust the amount of Rs.10,18,205/- against the *kist* money payable by the petitioner, no decision has been taken by the AFDC till date. He submits that the present writ petition can be disposed of, if a direction is issued to the respondent no.2, to take a decision on the petitioner's representation dated 08.02.2023.

6. Mr. P. Sharma, learned counsel for the AFDC submits that he does not have any objection to the prayer made by the petitioner's counsel.

7. On considering the submission made by the parties and with their consent, the writ petition is disposed of with a direction to the respondent no.2, to take a decision on the petitioner's representation dated 08.02.2023, within a period of 1 (one) month from the date of receipt of a certified copy of this order. Till then, no coercive action should be taken against the petitioner.

8. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant