

GAHC010125402024



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

Case No. : WP(C)/3223/2024

M/S GANGADHAR FISHERY CO-OP SOCIETY LTD
A CO-OPERATIVE SOCIETY,
REGISTERED UNDER THE ASSAM CO-OPERATIVE SOCIETIES ACT, 1948,
HAVING ITS REGISTERED OFFICE AT-
GOLAKGANJ, DISTRICT- DHUBRI,
REPRESENTED BY ITS SECRETARY SRI LAL BISWAS,
S/O- LT. SUDHIR CH. BISWAS,
VILL- SOUTH RAIPUR, PART-III,
P.O. AND P.S.- GOLAKGANJ, DISTRICT- DHUBRI,
ASSAM, PIN- 783334.

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
FISHERIES DEPARTMENT, DISPUR,
GUWAHATI-6, DISTRICT- KAMRUP, ASSAM.

2:THE DEPUTY COMMISSIONER
DHUBRI
P.O. AND DISTRICT- DHUBRI
ASSAM

PIN- 783301.

3:THE CIRCLE OFFICER
AGOMONI REVENUE CIRCLE
AGOMONI
DISTT.- DHUBRI
ASSAM

PIN- 783335

Advocate for the Petitioner : MS. A TALUKDAR

Advocate for the Respondent : SC, FISHERY

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

24.06.2024

Heard Ms. A. Talukdar, learned counsel for the petitioner, who submits that the petitioner was settled with the Group No.7/93 Raidak Fishery of Dhubri District for a period of 7 years pursuant to an NIT dated 17.12.2015 vide settlement order dated 22.11.2016. However, due to litigation, the petitioner was given possession of the fishery only on 11.07.2017. The settlement period of 7 year is going to expire on 10.07.2024, i.e., 16 days from now.

2. The petitioner's counsel submits that due to the Covid-19 pandemic in the year 2020-21, 2021-22, the petitioner suffered huge loss during the said period. Thus, the petitioner has submitted a representation to the respondent No.1 on 14.06.2024, praying for extension of the lease period of the fishery for 2 years, in order to recover the loss sustained by the petitioner during the Covid-19 pandemic period, in terms of Rule 8(b) of the Assam Fishery Rules, 1953.

3. The petitioner's counsel submits that the Circle Officer, Agomoni Revenue Circle has issued a certificate dated 04.04.2024, stating that the petitioner could not do fishing activity due to the Covid-19 pandemic and had suffered a great financial loss. She further submits that the said certificate has been made on the

basis of a prior certificate issued by the concerned Lot Mondal. The petitioner's counsel submits that the respondent No.1 may be directed to take a decision on the petitioner's representation and in the meantime, no NIT for regular settlement of the fishery should be made.

4. Mr. P. Sarmah, learned counsel for the Fishery Department submits that there is nothing to prove that the petitioner's representation dated 14.06.2024 has been submitted to the respondent No.1. He also submits that there is nothing to show that any loss was caused to the petitioner in view of the fact that as per the Circle Officer's certificate, though the petitioner may not have been able to catch fish during the Covid-19 period, the fish would have grown and multiplied during the said period. Thereafter, the petitioner would have made big catches on subsequent dates/periods of time.

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

6. As the stand of the petitioner is that the petitioner's representation dated 14.06.2024 has not been decided by the respondent No.1, the respondent No.1 shall take a decision on the petitioner's representation dated 14.06.2024 and communicate the same to the petitioner, preferably within a period of 2(two) weeks from the date of receipt of a copy of this order, which shall be accompanied with a copy of the representation dated 14.06.2024. The second prayer of the petitioner for a direction not to issue any fresh NIT for settlement of the said fishery, cannot be granted by this Court, inasmuch as, the petitioner's settlement period is ending on 10.07.2024. However, it is made clear that fresh settlement of the fishery should not be made with any other person prior to 11.07.2024.

7. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant