

GAHC010132562022



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

Case No. : WP(C)/4497/2022

SURJYAMUKHI MIN PALAN SAMITEE
HAVING ITS REGD. OFFICE AT VILL. CHAROGUA, P.O. SIVASAGAR, DIST.
SIVASAGAR, ASSAM REP. BY ITS SECRETARY SRI BUBUL DAS, S/O. LT.
GOLAP DAS, R/O. CHAROGUA, SIVASAGAR, DIST. SIVASAGAR, ASSAM.

VERSUS

THE STATE OF ASSAM AND 2 ORS
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM, DEPTT. OF FISHERIES
DISPUR, GUWAHATI-781006.

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
DEPTT. OF FISHERIES
DISPUR
GUWAHATI-781006.

3:THE DEPUTY COMMISSIONER

SIVASAGAR
PIN-785640

Advocate for the Petitioner : MR. N K KALITA

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

09.02.2024

1. Heard Mr. N.K. Kalita, learned counsel for the petitioner. Also heard Mr. P. Sarmah, learned counsel appearing for the Fisheries Department and Mr. M. Chetia, learned counsel appearing for the respondent No.3.
2. The petitioner's case is that pursuant to a Notice Inviting Tender dated 10.05.2022 issued by the Deputy Commissioner, Sivasagar, for settlement of Darika Part-II Min Mahal for a period of 7 years, the petitioner submitted his tender. On opening the bids of the tenderers, it was found that the petitioner's bid was the highest. Though the petitioner's bid was the highest, the respondent authorities have not settled the Min Mahal with the petitioner till date.
3. The counsels for the respondents have submitted letter No. FISH 106/2014/327(eCF No. 67550) dated 22.08.2022 issued by the Commissioner & Secretary to the Government of Assam, Fishery Department, which states that the Fishery has been settled with the petitioner and that the Deputy Commissioner, Sivasagar is to take follow up action for bringing the settlement order to its logical conclusion, by handing over possession of the fishery to the valid settlement holder in terms of the Government Order dated 16.07.2022 and the observations of this Court, without prejudice to the present writ petition and the Title Suit before the Munsiff No.1, Sivasagar. The above letter dated 22.08.2022 is made a part of the record and marked as 'Annexure -X'.
4. In light of the above letter dated 22.08.2022, the present writ petition has

become infructuous. In the event there is no stay order issued by the Court of learned Munsiff No.1, Sivasagar in Title Suit No.46/2022, the possession of the fishery should be handed over to the petitioner. The same would however be subject to the final decision to be taken by the Court of learned Munsiff No.1, Sivasagar in Title Suit No.46/2022.

5. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant