

GAHC010154392024



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

Case No. : WP(C)/3915/2024

M/S GANGADHAR FISHERY CO-OP SOCIETY LTD
A CO-OPERATIVE SOCIETY, REGISTERED UNDER THE ASSAM CO-
OPERATIVE SOCIETIES ACT, 1949, HAVING ITS REGISTERED OFFICE AT
GOLAKGANJ, DISTRICT- DHUBRI REPRESENTED BY ITS SECRETARY SRI
LAL BAHADUR 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
GOLAKGANJ REVENUE CIRCLE
GOLAKGANJ
DIST.- DHUBRI
ASSAM
PIN- 78333

Advocate for the Petitioner : MS. A TALUKDAR, MS. J DEKA

Advocate for the Respondent : GA, ASSAM, SC, FISHERY

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

07.08.2024

Heard Mr. D. Choudhury, learned counsel for the petitioner as well as Mr. P. Sarma, learned counsel for the Fishery Department.

2. The petitioner's prayer in this writ petition is for a direction to be issued to the respondent authorities, not to issue any fresh NIT for settlement of Group No.6/92 Gangadhar Part-III & IV Fishery till the petitioner's representation dated 14.06.2024 is decided by the respondent No.1.

3. The petitioner's counsel submits that the said fishery in question had been settled with the petitioner for 7 years under Rule 12 of the Assam Fishery Rules, 1953 (hereinafter referred to as 'the 1953 Rules'), vide settlement order dated 24.08.2017, pursuant to NIT dated 17.12.2015. The fishery was handed over to the petitioner Society on 30.08.2017 and the regular settlement period of the fishery is to end on 29.08.2024.

4. The petitioner's counsel submits that the petitioner has submitted two representations to the respondent authorities on 29.04.2024 and 14.06.2024, for extension of the fishery for 2 years, in view of the fact that the petitioner Society suffered losses due to the Covid-19 Pandemic, which has been certified by the concerned Circle Officer.

5. The petitioner's counsel submits that no decision has been taken by the respondent authorities to the representations made by the petitioner. However, the respondents are now deciding to float a fresh tender for the fishery, without considering the petitioner's representations under Rule 8(b) of the 1953 Rules. He

submits that the present writ petition can be disposed of, if a direction is issued to the respondent No.1, to decide the petitioner's representation dated 14.06.2024 and till then, no NIT should be issued in respect of the fishery.

6. Mr. P. Sarma, learned counsel for the respondent No.1 and Mr. K. Gogoi, learned counsel for the respondent No.2 submit that they have got no objection to the prayer made by the petitioner's counsel, provided that no NIT has been issued by the State respondents in the meantime.

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

8. In view of the consent of the parties and the fact that the petitioner's representation dated 14.06.2024 has not been decided by the respondent No.1 till date, the respondent No.1 is directed to take a decision on the petitioner's representation dated 14.06.2024, on or before 22.08.2024 and communicate the decision taken to the petitioner immediately. Till a decision is taken by the respondent No.1, the State respondents shall not issue any NIT for settlement of Group No.6/92 Gangadhar Part-III & IV Fishery of Dhubri district. However, if an NIT has already been issued by the respondents, the said NIT will be kept in abeyance till a decision is taken by the respondent No.1 on the petitioner's representation. The writ petitioner should submit a certified copy of this order along with the copy of the writ petition to the respondent No.1 by 09.08.2024.

9. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant