

GAHC010210972024



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

Case No. : WP(C)/5208/2024

NO. 5 SONAI NADI PART-III FISHERY COOPERATIVE SOCIETY LIMITED
HAVING OFFICE AT BORDUBATUP GAON,
P.O AND P.S- BHURAGAON, MORIGAON, PIN-782121

REP. BY ITS PRESIDENT NAMELY SANTOSH BARMAN, AGE-81 YRS,
S/O- LATE SURESH CH. BARMAN,
VILLAGE- BORDUBATUP GAON, P.O AND P.S- -BHURAGAON, PIN-782121,
DIST- MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND 9 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM, FISHERY
DEPARTMENT, JANATA BHAWAN, DISPUR- 781006, DISTRICT- KAMRUP(M),
ASSAM.

2:THE ASSAM FISHERIES DEVELOPMENT CORPORATION LIMITED
REPRESENTED BY ITS CHAIRMAN
VIP ROAD
CHACHAL
KAMRUP(M)
ASSAM
GUWAHATI- 781036.

3:THE MANAGING DIRECTOR

ASSAM FISHERIES DEVELOPMENT CORPORATION LIMITED

VIP ROAD
CHACHAL
GUWAHATI- 781036.

4:THE DISTRICT COMMISSIONER

MORIGAON
ASSAM
PIN-782105

5:THE DISTRICT COMMISSIONER

NAGAON
ASSAM
PIN-782001

6:THE ADDL. DISTRICTCOMMISSIONER

(FISHERY)
MORIGAON
ASSAM
PIN-782105

7:THE ADDL. DISTRICTCOMMISSIONER

(FISHERY)
NAGAON
ASSAM
PIN-782001

8:THE CIRCLE OFFICER
BHURAGAON REVENUE CIRCLE

P.O AND P.S- BHURAGAON

DIST- MORIGAON
ASSAM
PIN-782121

9:THE CIRCLE OFFICER
LAHARIGHAT REVENUE CIRCLE

P.O AND P.S- LAHARIGHAT

DIST- MORIGAON
ASSAM
PIN-782127

10:THE CIRCLE OFFICER
DHING REVENUE CIRCLE

P.O AND P.S- DHING

DIST- NAGAON
ASSAM
PIN-78212

Advocate for the Petitioner : MR. M K HUSSAIN, MD A RAHMAN,MR. M ALOM,MS. F H AHMED,MRS. S Y AHMED

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

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

03.10.2024

1. Heard Mr. M.K. Hussain, learned counsel for the petitioner, who submits that the respondent no.3 floated NIT dated 04.11.2022 for settlement of Lali Meen Mahal in Morigaon District for 7 years from 2022-2023 to 2028-2029. The petitioner having been selected for settlement of the fishery, an agreement was executed to that effect on 04.01.2023, after observing all required formalities.
2. The petitioner's grievance is that despite the contract agreement having been executed between the parties, the demarcation of the said fishery has not been done till date. He also submits that the representation made by the petitioner on 30.01.2023 to the respondent no.3, for demarcation of the fishery, has not been acted upon till date.
3. The petitioner's counsel submits that a detailed representation dated 15.03.2024 was submitted to the respondent no.3, stating that the petitioner

was unable to carry out fishing in the absence of proper demarcation and the actual handing over of the possession of the fishery. The respondent no.3 thereafter issued the impugned letter dated 18.09.2024 asking the petitioner to deposit Rs.19,10,405/- within a period of 10 days. The petitioner's counsel submits that the petitioner has already deposited an amount of Rs.9,43,000/-. He submits that the issue of deposit of Rs.19,10,405/- pursuant to the impugned letter dated 18.09.2024 should not be insisted upon by the respondents, till a decision is taken on the petitioner's representation dated 15.03.2024 by the respondent no.3.

4. Mr. P. Sharma, learned counsel for the AFDC submits that he has got no objection to the prayer of the petitioner for a direction to be issued to the respondent no.3, to decide the petitioner's representation dated 15.03.2024, provided the same has not been decided earlier.

5. In view of the consent of the parties, this writ petition is disposed of with a direction to the respondent no.3, to take a decision on the petitioner's representation dated 15.03.2024 within a period of 1 (one) month from today. Till a decision is taken by the respondent no.3, the impugned letter dated 18.09.2024 issued by the respondent no.3 should not be acted upon. In the event the petitioner's representation dated 15.03.2024 has already been decided by the respondent no.3, the decision taken should be communicated to the petitioner.

JUDGE

Comparing Assistant