

GAHC010239972024



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

Case No. : WP(C)/6065/2024

ARUN HOLDER
SECRETARY, SEUJMUH MEEN PALAK ATMO SAHAYAK GOOT. SON OF
LATE GANESH HOLDER, PERMNET RESIDENT OF VILLAGE- SANTIPUR,
P.O.- KAMALABARI, P.S.- MAJULI, DISTRICT- MAJULI, ASSAM, PIN- 785106

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM, FISHERY
DEPARTMENT, DISPUR, GUWAHATI- 781006

2:THE SECRETARY TO THE GOVT. OF ASSAM
FISHERY DEPARTMENT
DISPUR
GUWAHATI- 781006

3:THE JOINT SECRETARY TO THE GOVT. OF ASSAM
FISHERY DEPARTMENT
DISPUR
GUWAHATI- 781006

4:THE DEPUTY COMMISSIONER
MAJULI DISTRICT
ERSTWHILE JORHAT DIATRICK
GARAMUR
MAJULI
DISTRICT- MAJULI (ASSAM)

5:THE ADDITIONAL DISTRICT COMMISSIONER
(FISHERY)
GARAMUR
MAJULI

DISTRICT- MAJULI (ASSAM)

6:THE SUB-DIVISIONAL FISHERY
DEVELOPMENT OFFICER
GARAMUR
MAJULI DEVELOPMENT
MAJULI
P.O.- GARMUR
MAJULI
P.S. MAJULI (ASSAM)
DISTRICT- MAJULI (ASSAM)

Advocate for the Petitioner : MR H K MAHANTA, MR. R D BHUYAN

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

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

02.12.2024

1. Heard Mr. H.K. Mahanta, learned counsel for the petitioner. Also heard Ms. U. Das, learned Additional Senior Government Advocate for all the respondents.
2. The petitioner's case is that he is the Secretary of Seujmukhi Meen Palak Atmo Sahayak Goot (hereinafter referred to as the 'Society') comprising 13 members of fishing community. The settlement of No.12 Tuni River Fishery was made with the Society for a period of 7 years from 09.03.2016 to 28.02.2023, in pursuance to an NIT dated 10.10.2024. The petitioner's counsel submits that the letter dated 12.09.2024 issued to the petitioner by the Additional District Commissioner (Fishery), Majuli directing him to pay the kist money/revenue by 27.09.2024 should be set aside, inasmuch as, the petitioner was unable to operate the fishery from 03.03.2016 to 28.02.2022, due to imposition of Section 144 Cr.P.C and the COVID 19 Pandemic.

3. The petitioner's counsel submits that the petitioner has made a representation dated 21.09.2024 to the Additional District Commissioner (Fishery), Majuli, Garamur, which has not been decided by the authorities till date. He submits that the impugned order dated 12.09.2024 should be set aside and a direction should be given to the respondents, to take a decision on the petitioner's representation dated 21.09.2024.

4. Ms. U. Das, learned Additional Senior Government Advocate appearing for the respondents submits that there is no prayer made by the petitioner in the representation dated 21.09.2024. She further submits that the Society is not a party in the writ petition and as such, the writ petition should be dismissed, as there is nothing to decide in this case.

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

6. The impugned letter dated 12.09.2024 issued by the Additional District Commissioner (Fishery), Majuli states that the petitioner did not submit any revenue beyond the first installment in the year 2019 – 2020. The above being said, the petitioner's representation dated 21.09.2024 shows that no prayer has been made by the petitioner in the said representation, which is reproduced hereinbelow, as follows :

“Sub: Application in response to

Order No. R. M./45/2023 R.E.V.M.J.L 5856-57 - regarding non-deposit of kist money in respect of No. 12 Tuni River Meen Mahal.

Sir,

I have the honour to state that the applicant is the Secretary of Seujmukhi Meen Palak Atmo-Sahayak Goot.

A notice as to non-deposit of kist money in respect of No. 12 Tuni River Meen Mahal has been issued b Additional District Commissioner (Fishery).

It is very sad that by the said notice/order has been issued to deposit the kist money. The meen mahal remained inoperative from 03.03.2016 to 28.02.2012 due to imposition of Sec 144 of Cr.P.C. and the prevalence of Covid 19; and therefore, no business could be done, and, resultantly, no kist money was paid during the said period.

Be it stated that the kist money was regularly deposited as per rule before the Covid 19 period. facts.

Therefore, by this application your honour is informed about the above facts."

7. On considering the fact that no prayer has been made by the petitioner for the consideration of the respondent authorities, this Court is of the view that the petitioner should first approach the respondent authorities with a proper representation and a proper prayer.

8. Accordingly, in view of the reasons stated above, the writ petition is disposed of, with liberty being given to the petitioner to approach the authority with a proper representation.

JUDGE

Comparing Assistant