

GAHC010077062023



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

Case No. : WP(C)/7544/2018

M/S. DIBRU PART-I MEEN SAMABAY SAMITY LTD
REPRESENTED BY ITS SECRETARY SRI ANIL DAS
S/O LATE KHETRE MOHAN DAS
RESIDENT OF GUIJAN
PO RANGAGORAH
TINSUKIA 786125

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
FISHERY DEPARTMENT
DISPUR GUWAHATI-06

2:SECRETARY TO THE GOVERNMENT OF ASSAM
REVENUE AND DM DEPARTMENT
DISPUR GUWAHATI-06

3:THE ADDITIONAL SECRETARY
TO THE GOVERNMENT OF ASSAM
FISHERY DEPARTMENT GUWAHATI-06

4:DEPUTY COMMISSIONER
TINSUKIA 786125

Advocate for : MR. D DAS
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS.

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 16.09.2024

No one appears for the petitioner.

Mr. J. Handique, learned counsel appears for the respondent No. 2 and Ms. U. Das, learned counsel appears for the respondent Nos. 1, 3 & 4.

In view of the order dated 16.09.2024 passed in I.A.(Civil) 1012/2023, the petitioner is allowed to withdraw his Vakalatnama as the brief has been taken back by the petitioner from his counsel in the year 2020.

The present case pertains to settlement of the Dibru Nadi Part-I Fishery, Tinsukia District, temporarily, vide order dated 02.11.2010.

The temporary settlement of the said fishery had been extended from time to time.

The petitioner's prayer in the writ petition is to allow the petitioner to run the said fishery on the strength of the order dated 02.11.2010 till finalization of the tender process.

On considering the fact that the petitioner has prayed for temporary settlement of the fishery, which he has been operating from 02.11.2010, without any tender process, this Court prima facie is of the view that the prayer of the petitioner cannot be allowed.

The said fishery has apparently been put to tender in the year 2023 and regular settlement made.

As the petitioner has not engaged any other counsel, despite taking the brief from Mr. S. Khound, learned counsel in the year 2022, this Court is of the view that the petitioner is not interested in pursuing the matter. Further, the writ petitioner has submitted a certificate dated 30.09.2020 in I.A.(Civil) 1012/2023, wherein it has been stated that it is going to engage some other counsel to conduct the case. However, no new counsel has been engaged by the petitioner.

Accordingly, this writ petition is dismissed for non-prosecution.

JUDGE

Comparing Assistant