

GAHC010248962022



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

Case No. : WP(C)/7975/2022

PUSPADHAR DAS
S/O- LATE UPEN DAS , R/O- BARHAMPUR ADARSHA GAON,
P.O- BARHAMPUR, DIST- NAGAON, ASSAM, PIN-782102

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM, FISHERY
DEPARTMENT, DISPUR, GUWAHATI-6, ASSAM

2:THE JOINT SECRETARY
TO THE GOVT. OF ASSAM
FISHERY DEPARTMENT
DISPUR GUWAHATI-6 ASSAM

3:THE DEPUTY COMMISSIONER
NAGAON PIN-782001 ASSA

Advocate for the Petitioner : MR P BHARDWAJ

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

Date : 12.02.2024

No one appears for the petitioner on call. Mr. D. Nath, learned counsel appears for the respondents.

2. The petitioner's case is that 13 No. Nanoi Meen Mahal has been settled

with the petitioner for seven years till 02.12.2020, vide order dated 03.12.2013. The petitioner, vide letter dated 24.09.2020, has prayed for extension of the lease period for another period of four years. As no reply was forthcoming, he submitted another representation on 27.10.2020. Thereafter, the petitioner filed WP(C) 5086/2020, in view of no extension being given by the respondent authorities. As the respondent No. 3 had issued a letter to the respondent No. 2 on 08.12.2020, seeking approval for extension of the lease in favour of the petitioner, WP(C) 5086/2020 was disposed of, vide order dated 11.12.2020, by directing the respondents to take a decision within a period of four weeks. Thereafter, the respondent No. 2 passed an order dated 02.01.2021, extending the lease period of the Mahal in favour of the petitioner for another year till 02.12.2021.

3. The petitioner thereafter filed two representations in September, 2021, seeking further extension of his lease, even though he had not made full payments to the respondent authorities. The petitioner also filed WP(C) 5897/2021, wherein this Court issued an order granting time to the petitioner to make his default payments. Thereafter, WP(C) 5897/2021 was disposed of, by directing the respondents to pass an order over the extension application of the concerned fishery made by the petitioner. The respondent No. 3, vide order dated 25.04.2022, extended the lease in favour of the petitioner for another one year from 03.12.2021 to 02.12.2022, in terms of the order of this Court passed in WP(C) 5897/2021. The petitioner has now again approached this Court, seeking extension of his lease on the fishery, on the ground that his representation for the same has not been decided by the authorities.

4. This Court in its order dated 12.12.2022 had directed the respondent No. 3 to dispose of the petitioner's representation. Though the result of the direction

passed by this Court is not before this Court, I find that the petitioner has not been represented in the last two consecutive dates, besides today.

5. In view of the above facts, this Court is of the view that the petitioner is not interested in pursuing the matter. This writ petition is accordingly dismissed for non-prosecution.

JUDGE

Comparing Assistant