

GAHC010254742024



2024:GAU-AS:12344

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

Case No. : WP(C)/6480/2024

SUDHINDRA DAS
S/O- ARJUN DAS,
VILLAGE- KUSUMPUR,
P.O- BURABURI,
P.S- MAYONG, DIST- MORIGAON, ASSAM, PIN-782411

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
FISHERY DEPARTMENT, DISPUR, GUWAHATI-06

2:THE ASSAM FISHERIES DEVELOPMENT CORPORATION LIMITED
REPRESENTED BY THE MANAGING DIRECTOR
VIP ROAD
SIX MILE
CHACHAL
BORBARI
GUWAHATI 781036
ASSAM

3:THE MANAGING DIRECTOR
ASSAM FISHERIES DEVELOPMENT CORPORATION LTD.
CHACHAL
V.I.P. ROAD
GUWAHATI-3

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

Advocate for the Respondent : SC, AFDC,

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

06.12.2024

1. Heard Mr. M.K. Hussain, learned counsel for the petitioner and Mr. P. Sharma, learned counsel for the AFDC.
2. The petitioner's grievance is that the petitioner's representation dated 06.12.2023 praying for release of Rs.10,84,604/- submitted by the petitioner for the years 2016 – 2017, 2017 – 2018, 2018 – 2019 and 2019 – 2020 as excess revenue has not been released to the petitioner.
3. The petitioner's counsel submits that Shunduba-Pavakati Beel in Morigaon District was settled with the petitioner for a period of 7 years on his bid amount of Rs.22,51,555/- in pursuant to an NIT dated 12.07.2013.
4. The Managing Director of AFDC passed office order dated 18.04.2015 re-fixing the yearly revenue payable by the petitioner amounting to Rs.13,06,339/- from the year 2016 – 2017. Accordingly, the petitioner deposited yearly revenue amounting to Rs.13,06,339/- for the years 2016 – 2017, 2017 – 2018, 2018 – 2019 and 2019 – 2020. Thereafter the settlement of the fishery with the petitioner was extended for another 3 years, re-fixing the yearly revenue amounting to Rs.10,35,188/-. The petitioner's case is that he deposited excess revenue of Rs.10,84,604/- for the year 2016 – 2017, 2017 – 2018, 2018 – 2019 and 2019 – 2020.
5. The petitioner's counsel submits that the petitioner's representation dated

06.12.2023 for release of the excess revenue payment made by the petitioner should be decided by the respondent authorities.

6. Mr. P. Sharma, learned counsel for the AFDC submits that he has got no objection, if a direction is issued to the respondent AFDC to take a decision on the petitioner's representation dated 06.12.2023.

7. On perusing the writ petition, it is seen that the petitioner had been settled with the Shunduba-Pavakati Beel in Morigaon District for 7 years from 01.04.2013 to 31.03.2020. It is also seen that in view of the prayer for extension of the settlement of the fishery made by the petitioner, the petitioner had to file two writ petitions i.e. WP(C) 2175/2020 and WP(C) 2943/2020. The settlement of the fishery was extended by another 3 years by the AFDC.

8. As the petitioner's representation regarding his claim that he has paid excess revenue is an issue to be decided by the AFDC, this Court directs the AFDC to take a decision on the petitioner's representation dated 06.12.2023, within a period of 2 (two) months from the date of receipt of a certified copy of this order. In the event the petitioner's representation dated 06.12.2023 has already been disposed of, the decision should be communicated to the petitioner.

9. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant