

GAHC010255982024



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

Case No. : WP(C)/6521/2024

M/S GANGADHAR FISHERY CO OP SOCIETY LTD
A CO-OPERATIVE SOCIETY, REGISTERED UNDER THE ASSAM CO-
OPERATIVE SOCIETIES ACT, 1949 HAVING ITS REGISTERED OFFICE AT
GOLAKGANJ, DIST- DHUBRI, REPRESENTED BY ITS SECRETARY SRI LAL
BAHADUR BISWAS, AGED ABOUT 47 YEARS, S/O- LT. SUDHIR CH. BISWAS,
VILL- SOUTH RAIPUR, PART-III, P.O. AND P.S. GOLAKGANJ, DIST- DHUBRI,
ASSAM, PIN- 783334

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, GOVT. OF
ASSAM, FISHERIES DEPARTMENT, DISPUR, GUWAHATI-6

2:THE DEPUTY COMMISSIONER
DHUBRI
P.O. AND DIST- DHUBRI
PIN- 783301

3:THE ADDL. SECRETARY
GOVT. OF ASSAM
FISHERY DEPARTMENT
DISPUR
GUWAHATI-6

4:THE CIRCLE OFFICER
AGOMONI REVENUE CIRCLE
AGOMONI
DIST- DHUBRI
ASSAM
PIN- 78333

Advocate for the Petitioner : MR. A K SARMA, MR D KALITA,MR H J TAMULI

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

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

06.12.2024

1. Heard Mr. A.K. Sarma, learned counsel for the petitioner, who submits that pursuant to the NIT dated 17.12.2015, Group No.7/93 Raidak Fishery of Dhubri District was settled with the petitioner by the Deputy Commissioner, Dhubri under Rule 12 of the Assam Fishery Rules, 1953.
2. The petitioner made a representation dated 14.06.2024, praying for extension of the settlement of the fishery in terms of Rule 8(b) of the 1953 Rules, on the ground that the petitioner had suffered a loss due to Covid-19 pandemic in the year 2020-21. As the petitioner's representation was not being considered, the petitioner approached this Court by way of WP(C) No.3223/2024. The same was disposed of vide order dated 24.06.2024, by directing the respondents to take a decision on the petitioner's representation.
3. The Additional Secretary to the Government of Assam, Fishery Department thereafter issued a letter dated 23.10.2024 to the petitioner, rejecting the petitioner's prayer for extension of the fishery, on the ground that it would be difficult to consider the petitioner's case only under Rule 8(b) of the 1953 Rules due to the COVID-19 Pandemic, as it would entail considering all cases. The petitioner was accordingly requested to go for fresh settlement with the issuance of an NIT, which was kept pending in view of the interim order of the

High Court.

4. The petitioner's counsel submits that the petitioner is no longer in possession of the fishery in question.
5. Issue notice returnable in 4(four) weeks.
6. Mr. P. Sarma, learned counsel accepts notice on behalf of the Fishery Department, while Mr. S.R. Baruah, learned counsel accepts notice on behalf of the respondent Nos.2 & 4.
7. List the matter after 4(four) weeks to enable the respondents to file their affidavits.

JUDGE

Comparing Assistant