

GAHC010275722024



2024:GAU-AS:13070

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

Case No. : WP(C)/6958/2024

OUGURI KATAHGURI BHURBANDHA MATSYAJIBI SAMABAY SAMITY
REP. BY ITS SECRETARY DHIREN DAS,S/O. LATE D. DAS, R/O. OUGURI,
MORIGAON, PIN-782105, ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM, FISHERY
DEPARTMENT, DISPUR-781006, ASSAM.

2:THE DEPUTY COMMISSIONER
MORIGAON
PIN-782105
ASSAM

Advocate for the petitioner(s): Mr. MK Choudhury, Senior Advocate
Mr. P Bhardwaj

Advocate for the respondent(s): Mr. P Sarma
Ms. U Das
Additional Senior Govt. Advocate, Assam

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

20.12.2024

Heard Mr. MK Choudhury, the learned senior counsel assisted by Mr. P Bhardwaj, the learned counsel appearing on behalf of the petitioner. Mr. P Sarma, the learned counsel appears on behalf of the respondent No.1 and Ms. U Das, the learned Additional Senior Government Advocate appears on behalf of the respondent No.2.

2. The petitioner which is a Society, registered under the Assam Co-operative Societies Act, 1948, had assailed the Notice Inviting Tender (for short, NIT) dated 30.11.2024/04.12.2024 on the ground that the said NIT is in violation of the proviso to Rule 3 of the ***Assam Fishery Rules, 1953*** (for short, the Rules of 1953). It is noticed that the proviso to Rule 3 of the Rules of 1953 categorically stipulates that the notice of sale of a registered Fishery shall be atleast a month in advance. It is noticed that the impugned notice dated 30.11.2024/04.12.2024 had fixed 09.12.2024 for auction of the Fishery in question. The same is on the face of it contrary to the proviso to Rule 3 of the Rules of 1953.

3. Taking into account the above, this Court, therefore, sets aside the said notice dated 30.11.2024/04.12.2024 bearing No.M R F.4/2005/PT/41 issued by the respondent No.2.

4. The respondent No.2 shall put to sale/auction the said registered Fishery by duly following the provisions of law.

5. Writ petition stands disposed of.

JUDGE

Comparing Assistant