

GAHC010286032023



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

Case No. : WP(C)/7347/2023

SUKUMAR SARKAR
S/O KANDHULAL SARKAR
VILL- NO. 1 BORPATHAR P.O. TAPTOLA
P.S. BHURAGAON,
DIST. MORIGAON, ASSAM
PIN-782121

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM, FISHERY
DEPARTMENT, DISPUR, GUWAHATI-781006.

2:THE MANAGING DIRECTOR

ASSAM FISHERIES DEVELOPMENT CORPORATION LTD. CHACHAL
VIP ROAD

GUWAHATI
PIN-781036

3:THE DISTRICT COMMISSIONER

MORIGAON
P.O. AND P.S. MORIGAON
DIST. MORIGAON
ASSAM
PIN-782105

4:THE CIRCLE OFFICER

BHURAGAON REVENUE CIRCLE

P.O. AND P.S. BHURAGAON
DIST. MORIGAON
ASSAM
PIN-78212

Advocate for the Petitioner : MR. M K HUSSAIN

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

07.02.2024

1. Heard Mr. M.K. Hussain, learned counsel for the petitioner. Also heard Mr. R. Chetri, learned counsel for the respondent nos.1 & 2 and Mr. M. Chetia, learned counsel for the respondent nos.3 & 4.

2. The petitioner's case is that he was settled with the Garalu Meen Mahal under Morigaon District for 7 years w.e.f. 01.04.2022 to 31.03.2029, pursuant to NIT dated 03.06.2022. The petitioner made various representations to the authorities claiming that there were encroachments in the said Meen Mahal, for which he was not able to operate the fishery properly. Further, the respondents were requested to demarcate the Garalu Meen Mahal which has not been done till date. He accordingly prays for a direction to be issued to the respondent nos.3 & 4 to demarcate the Garalu Meen Mahal and evict any encroachers residing within the said area.

3. The learned counsels for the respondents submit that they do not have

any objection with regard to demarcation of the Garalu Meen Mahal. However, the question of encroachment will have to be examined and a decision taken separately by the authority concerned.

4. On considering the prayer made by the petitioner and keeping in view the submission made by the counsels for the respondents, the respondent nos.3 & 4 are directed to demarcate Garalu Meen Mahal under Morigaon District within a period of 2 (two) months, from the date of receipt of a certified copy of this order. The respondent nos.3 & 4 shall also look into the issue of encroachment in the demarcated Garalu Meen Mahal and take appropriate decisions thereafter.

5. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant