GAHC010173052020

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

Case No. : WP(C)/5086/2020

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

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY THE SECY. TO THE GOVT. OF ASSAM, FISHERY DEPTT., DISPUR- 781006, ASSAM

2:THE JOINT SECY. TO THE GOVT. OF ASSAM
FISHERY DEPTT.
DISPUR- 781006
ASSAM

3:THE DY. SECRETARY TO THE GOVT. OF ASSAM
FISHERY DEPTT.
DISPUR- 781006
ASSAM

4:THE DY. COMMISSIONER
NAGAON
PIN- 782001
ASSAM

5:THE CIRCLE OFFICER
NAGAON SADAR REVENUE CIRCLE
NAGAON- 782001
ASSAM

6:THE CIRCLE OFFICER
SAMUGURI REVENUE CIRCLE

NAGAON- 782001
ASSAM

7:THE CIRCLE OFFICER
KAMPUR REVENUE CIRCLE
NAGAON- 782001
ASSA

Advocate for the Petitioner : MR P BHARADWAJ
Advocate for the Respondent : GA, ASSAM

BEFORE
HON'BLE MR. JUSTICE SUMAN SHYAM

11.12.2020

Heard Mr. P Bharadwaj, learned counsel appearing for the writ petitioner. Also heard Ms. K Phukan, learned Govt. Advocate, Assam appearing for the official respondents.

The petitioner herein was earlier settled with 13 No. Nanoi Min Mahal for a period of 2 years vide order dated 12.02.2018. However, due to civil disturbances in the State during the month of December, 2019 and also due to the lockdown imposed by the government pursuant to the outbreak of the pandemic Covid-19, the writ petitioner could not operate the fishery to its potential so as to recover his investment. Situated thus, the petitioner had submitted a representation on 27.10.2020 before the respondent No.4 seeking extension of the period of settlement. The basic grievance expressed in this writ petition is pertaining to the fact that no action has been taken by the said authority on the representation dated 27.10.2020 submitted by the petitioner.

In terms of the order dated 4.12.2020 passed by this Court, Ms. K Phukan, learned Govt. Advocate, Assam has obtained instructions and produced a copy of the forwarding letter dated 18.12.2020 issued by the respondent No.4 recommending extension of the lease period of the fishery in favour of the petitioner to the Government of Assam. Ms. Phukan submits that the matter is now pending before the Government of Assam, Fishery Department for necessary approval.

If that be so, it is apparent that the respondent No.4 has already taken a decision in

favour of the petitioner. It is now up to the government to grant approval to the same by following the due process of law. Such being the position, I do not find any justifiable ground to keep the matter pending before this Court any further. This writ petition is, therefore, disposed of with a direction upon the respondent Nos.1 and 2 to take appropriate decision in the matter within a period of 4 (four) weeks from the date of receipt of a certified copy of this order. Whatever be the decision, the same be intimated to the petitioner.

A copy of the communication dated 8.12.2020 be retained in the record of the case.

The writ petition stands disposed of.

JUDGE

Comparing Assistant