GAHC010126122026

2026:GAU-AS:15484

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

Case No. : WP(C)/3340/2026

RANGLAL MANDAL
SON OF- LATE MADAN MONDAL,
RESIDENT OF - VILLAGE-PAVAKATI, P.O.-BURAGAON, PAKARIA MOUZA,
P.S.- MAYONG, DISTRICT- MORIGAON, ASSAM, PIN-782411.

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY SPECIAL CHIEF SECRETARY, WATER RESOURCES DEPARTMENT, GOVERNMENT OF ASSAM, DISPUR, GUWAHATI-781006, ASSAM.

2:THE SECRETARY
WATER RESOURCES DEPARTMENT
GOVERNMENT OF ASSAM
DISPUR
GUWAHATI-781006
ASSAM.

3:THE ASSAM FISHERIES DEVELOPMENT CORPORATION LIMITED
BEING REPRESENTED BY ITS MANAGING DIRECTOR
BIMALA PRASAD CHALIHA ROAD
CHACHAL
VIP ROAD
GUWAHATI-781036
KAMRUP METRO DISTRICT
ASSAM.

4:THE MANAGING DIRECTOR
ASSAM FISHERIES DEVELOPMENT CORPORATION LIMITED
BIMALA PRASAD CHALIHA ROAD
CHACHAL

VIP ROAD
GUWAHATI-781036
KAMRUP METRO DISTRICT
ASSAM.

5:THE CHIEF ENGINEER
WATER RESOURCES DEPARTMENT
5TH FLOOR
ASSAM WATER CENTRE BASISTHA
GUWAHATI-781029

6:THE DISTRICT COMMISSIONER
MORIGAON DISTRICT
MORIGAON
PINCODE-782105
ASSAM

7:THE CIRCLE OFFICER
MAYONG REVENUE CIRCLE
JAGI BHAKATGAON
PIN CODE-782411
MORIGAON DISTRICT
ASSAM.

8:THE PROJECT MANAGER
MIDDLE ASSAM REGION
ASSAM FISHERIES DEVELOPMENT CORPORATION LIMITED
CHARAN BEEL
PIN CODE-782411
MORIGAON DISTRICT
ASSAM

Advocate for the Petitioner : MR. M K CHOUDHURY, MR D J MEDHI,MR S KHOUND
Advocate for the Respondent : GA, ASSAM, SC, WATER RESOURCE,SC, AFDC

BEFORE

HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

13-10-2026

1. Heard Mr. M.K. Choudhury, learned senior counsel, assisted by Mr. D.J. Medhi,

learned counsel for the petitioner and Ms. P. Chakraborty, learned Standing counsel, Water Resources Department as well as Assam Fisheries Development Corporation Limited (AFDCL) Department for the respondents.

2. The petitioner is a settlement holder of Pakaria Beel in the district of Morigaon and the settlement is for the period from the years 2024-2025 to 2026-2027 (31.03.2027).

3. During the currency of the settlement, the Water Resources Department commenced embankment/anti-erosion works in 2025. The petitioner asserts that this work has encroached upon a major portion of the fishery, restricted and obstructed the ingress and egress of fish, and caused substantial financial loss despite regular payment of kist money.

4. By filing its affidavit, the Water Resources Department has admitted that it commenced the embankment and anti-erosion work in 2025.

5. The respondent District Commissioner has also admitted in his affidavit that for the construction of the embankment, there are encroachments on the fisheries, and the area has been reduced.

6. In the aforesaid factual background, this Court is of the opinion that in the peculiar facts and circumstances of the present case, the respondent AFDCL shall take a call on the prayer made by the petitioner.

7. It is provided that the petitioner may file a fresh representation raising his grievance, including the stand of the District Administration as well as the Water Resources Department. Upon such representation being filed, the same shall be considered by the Managing Committee of the AFDCL and the Managing Committee shall pass a Speaking Order in this regard.

8. Taking note that the settlement period will expire on 31.03.2027, it is provided that the entire exercise shall be carried out on or before 18.01.2027. In the process of

determination, if necessary, the AFDCL may seek further clarification from the petitioner. In the event, it is found that the petitioner has suffered loss, the respondent authority may consider the prayer of the petitioner in appropriate manner.

9. With the aforesaid, this writ petition stands disposed of.

JUDGE

Comparing Assistant