

GAHC010059662024



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

**Case No. : WA/134/2024**

ROWMARI PHUKAN FADIA SELF HELF GROUP  
REPRESENTED BY ITS SECRETARY, RAJIB HAZARIKA, AGED ABOUT 39  
YEARS, SON OF NILA HAZARIKA, RESIDENT OF VILLAGE SANTIPUR,  
SIVASAGAR 785671 ASSAM, HAVING ITS OFFICE AT VILLAGE NATUN  
GATANGA AND ROWMARI PHUKAN FADIA GAON, PO SANTIPUR, PS AND  
DIST DIST. SIVASAGAR, ASSAM 785667

VERSUS

THE STATE OF ASSAM AND 8 ORS B  
REP. BY THE COMM. AND SECRETARY TO THE GOVT. OF ASSAM, FISHERY  
DEPTT., HAVING ITS OFFICE AT DISPUR, GUWAHATI-781006, DIST.  
KAMRUP (M), ASSAM.

2:THE SECRETARY  
TO THE GOVT. OF ASSAM  
FISHERY DEPTT.  
HAVING ITS OFFICE AT DISPUR  
GUWAHATI-781006  
DIST. KAMRUP (M)  
ASSAM.

3:THE JOINT SECRETARY  
TO THE GOVT. OF ASSAM  
FISHERY DEPTT.  
HAVING ITS OFFICE AT DISPUR  
GUWAHATI-781006  
DIST. KAMRUP (M)  
ASSAM.

4:THE DEPUTY SECRETARY  
TO THE GOVT. OF ASSAM

FISHERY DEPTT.  
HAVING ITS OFFICE AT DISPUR  
GUWAHATI-781006  
DIST. KAMRUP (M)  
ASSAM.

5:THE DY. COMMISSIONER

SIVASAGAR  
HAVING ITS OFFICE AT SIVASAGAR TOWN  
DIST. SIVASAGAR  
ASSAM.

6:THE ADDL. DEPUTY COMMISSIONER

REVENUE FISHERY BRANCH  
SIVASAGAR  
HAVING ITS OFFICE AT SIVASAGAR TOWN  
DIST. SIVASAGAR  
ASSAM.

7:THE CIRCLE OFFICER

SIVASAGAR REVENUE CIRCLE  
SIVASAGAR  
HAVING HIS OFFICE AT SIVASAGAR TOWN  
DIST. SIVASAGAR  
ASSAM.

8:TRIMURTI ANUSUSHITA JATI SIKHITA NIBONUWA SELF HELP GROUP  
BEARING REGISTRATION NO.GDB/DHK/67 AND HAVING ITS REGD.  
OFFICE AT VILL. TELIADUNGA  
PUKHURIPAR  
P.O. BHARALUWA TINALUI  
P.S. GAURISAGAR  
DIST. SIVASAGAR  
ASSAM  
PIN-785664 AND REP. BY ITS SECRETARY SHRI DILIP HAZARIKA.

9:DILIP HAZARIKA  
S/O. LT. JHURAM HAZARIKA  
SECRETARY OF TRIMURTI ANUSUSHITA JATI SIKHITA NIBONUWA SELF  
HELP GROUP  
VILL. TELIADUNGA PUKURIPAR  
P.O. BHARLUA TINALI  
P.S. GAURISAGAR  
DIST. SIVASAGAR  
ASSAM

PIN-785664

**Advocate for the Petitioner** : MR S KHOUND

**Advocate for the Respondent** :

**BEFORE  
HONOURABLE THE CHIEF JUSTICE  
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

**ORDER**

**Date :** 15.05.2024  
(Vijay Bishnoi, CJ)

This writ appeal has been filed by the appellant being aggrieved with the order dated 20.02.2024, passed by the learned Single Judge in WP(C)/2764/2022, whereby, the writ petition filed on behalf of the respondents no. 8 & 9 has been allowed and that the learned Single Judge has set aside the order dated 10.09.2020, whereby, the extension was granted to the appellant for running the fishery in question and the order dated 06.02.2021, issued by the Joint Secretary, Government of Assam, Fishery Department by which the lease of the fishery has been extended for 3(three) years, has been set aside.

The learned Single Judge, having gone through the materials available on record and also going through the facts and circumstances of the case has held that the co-ordinate Bench of this Court in *Jewti NGO Vs State of Assam* reported in *2017 SCC Online Gau 643* has given a specific direction for taking a fresh decision on the question of granting permanent settlement of the fishery in question, however, the authorities concerned without taking any fresh decision on the question of grant of permanent settlement of the concerned

fishery has illegally settled the fishery in favor of the appellant vide order dated 30.11.2017 and has further, illegally extended the said lease for a period of 3(three) years on 10.09.2020.

The learned Single Judge had also observed that the further order dated 06.02.2021, issued by the Joint Secretary, Government of Assam, Fishery Department, whereby, the lease of the fishery has been extended for a period of 3(three) years in favor of the appellant, is also illegal.

Having heard the learned counsel for the appellant and after going through the judgment passed by the learned Single Judge in the case of *Jewti NGO (supra)*, we are of the considered view that the learned Single Judge has not committed any illegality in observing that the directions given by the learned Single Judge in the case of *Jewty NGO (supra)*, which has attained finality, has not been complied with by the respondents while settling the fishery in question in favor of the appellant.

Hence, we do not find any merit in the present appeal and the same accordingly, stand dismissed.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**