

GAHC010155422026



undefined

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

Case No. : WP(C)/4010/2026

DIBRU DANGARI RIVER PART I MIN SAMABAY SAMITY LTD
DIGHAL TARANG, DIST- TINSUKIA, ASSAM REPRESENTED BY ITS
SECRETARY SRI BIKASH DAS, YEARS S/O LATE SACHINDRA DAS R/O
DIGHAL TARANG P.O.- DIGHAL TARANG P.S.- BAGHJAN DIST- TINSUKIA,
ASSAM

VERSUS

THE STATE OF ASSAM AND 10 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY, FISHERIES
DEPARTMENT, GOVT. OF ASSAM, DISPUR, GUWAHATI-781006

2:THE JOINT SECRETARY
GOVT. OF ASSAM. FISHERIES DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE DEPUTY SECRETARY
GOVT. OF ASSAM. FISHERIES DEPARTMENT
DISPUR
GUWAHATI-781006

4:THE DISTRICT COMMISSIONER
TINSUKIA
ASSAM

5:THE CO DISTRICT COMMISSIONER
SADIYA
CHAPAKHOWA
FISHERY BRANCH

6:THE REGISTRAR OF CO OPERATIVE SOCIETIES

HOUSEFED COMPLEX
GUWAHATI-781029

7:THE ASSTT REGISTRAR OF COOPERATIVE SOCIETIES
TINSUKIA

8:THE SUB DIVISIONAL OFFICER (C)
SADIYA SUB-DIVISION TINSUKIA

9:THE CIRCLE OFFICER
SADIYA REVENUE CIRCLE
CHAPAKHOWA
TINSUKIA
ASSAM

10:THE DISTRICT FISHERY DEVELOPMENT OFFICER
TINSUKIA

11:THE DIVISIONAL FOREST OFFICER
TINSUKIA WILDLIFE DIVISION
TINSUKIA

Advocate for the Petitioner : MR. N K KALITA, MR D DEKA

Advocate for the Respondent : SC, FISHERY, SC, REVENUE,GA, ASSAM,SC, FOREST,SC, CO
OP

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

Heard Shri N.K. Kalita, learned counsel for the petitioner.

As per the facts projected, the petitioner which is a Samabay Samity Ltd., Dighal Tarang, Tinsukia, was settled with the Brahmaputra Part-I and Dibang Nadi Fishery for a period of 7 years w.e.f. 2019-2020 to 2025-2026. Initially, there were some designated selling points which, however, were subsequently closed with the condition that the sale can be made in the area of operation. It is contended that the area of operation is far off and it is impracticable to make such sale and therefore, the petitioner was not able to make the sale and earn revenue, resulting in failure to deposit the kist. The petitioner had earlier approached this Court by fling

WP(C)/5332/2025 which was disposed of vide order dated 24.06.2025 directing the petitioner to submit appropriate representation.

The petitioner, however, had submitted representation to the Co-District Commissioner, Sadia, who vide order dated 16.07.2026 had disposed of the same by stating that it was not the competent authority. The petitioner claims to have submitted a representation before the Commissioner of the Department which, however, has not been acted upon.

Ms. S. Chutia, learned Standing Counsel, Fisheries Department has, however, submitted that the petitioner did not approach the appropriate forum in terms of the order dated 24.06.2025. She has also pointed out that the Co-District Commissioner, in the communication dated 16.07.2025 had come to a *prima facie* finding that no justification was there for exempting the dues. She has also submitted that it is not clear as to whether the representation was actually submitted before the Commissioner and Secretary of the Fisheries Department.

Let notice be issued, returnable on 17.08.2026.

Ms. Chutia, learned counsel accepts notice on behalf of the respondent nos. 1, 2, 3 and 10; Ms. U. Das, learned State Counsel, Assam, accept notice on behalf of the respondent nos.4, 5, 8 and 9; Ms. M.D. Bora, learned Standing Counsel, Cooperation Department, Assam, accepts notice on behalf of the respondent nos. 6 and 7 and Shri R.R. Gogoi, learned Standing Counsel, Forest Department, Assam, accepts notice on behalf of the respondent no. 11.

Let extra copies of the writ petition be furnished to the learned counsel for the respondents within 2 working days.

JUDGE

Comparing Assistant