

GAHC010178912022



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

Case No. : WP(C)/5875/2022

PRIYANKA BHARALI AND 17 ORS
D/O SHRI HRISHIKESH BHARALI, R/O SUBHAM REGENCY, 4TH FLOOR,
HOUSE NO. 4E, P.O.-HENGRABARI, P.S.-DISPUR, DIST-KAMRUP (M),
ASSAM-781036

2: NILAKSHI DAS
C/O PRANJAL BEZBARUAH
R/O JAPORIGOG NEAR KARBI NAMGHAR
PANCHARATNA PATH
H.NO.-17
GUWAHATI-781005
P.O.-DISPUR
P.S.-DISPUR
DIST-KAMRUP(M)
ASSAM

3: DHRUBA JYOTI DEKA
C/O SHRI AMBURAM DEKA
R/O VILL-KATHALGURI
P.O.-KATHIATALI
P.S.-KAMPUR
DIST-NAGAON
ASSAM-782427

4: MRINMOY DEKA
S/O SHRI NAGENDRA DEKA
R/O VILL-OJAGAON
P.O.-CHENGAPATHER
DIST-UDALGURI
ASSAM

5: PINKU MANE BORAH
S/O SHRI SADA NANDA BORAH
R/O VILL-MADHUPUR

P.O.-MADHUPUR
P.S.-SADAR
DIST-NAGAON
ASSAM-782003

6: JITJYOTI KALITA
C/O SHRI RISHAB CH. KALITA
R/O KRISHNANAGAR
JAPORIGOG
GUWAHATI
DIST-KAMRUP(M)
ASSAM-781005

7: TRIDEEP KR BORAH
S/O ANIL CHANDRA BORAH
R/O BELTOLA
BHETAPARA
P.O. AND P.S.-GOLAKGANJ
DIST-KAMRUP (M)
ASSAM-781028

8: PRANJAL DEKA
S/O SHRI MADHAB CH. DEKA
R/O CHANDMARI
KRISHNANAGAR
C/O DEKA STORE
P.S. AND P.O.-CHANDMARI
DIST-KAMRUP(M)
ASSAM-781003

9: MRIGANKA DAS
S/O SHRI NARAYAN CHANDRA DAS
R/O CHANDMARI
NABAGIRI PATH
GUWAHATI-3
DIST-KAMRUP (M)
ASSAM

10: NAYAN MONI DAS
C/O SHRI NILKAMAL DAS
R/O VILL-KHANAMUKH
P.S.-JALUKBARI
P.O.-GUWAHATI UNIVERSITY
DIST-KAMRUP(M)
ASSAM-781014

11: MANAB DEKA
C/O LATE KANDARPA KR. DEKA

R/O VILL-BELBARI (BAGHMARA)
P.O.-BARKAPALA
P.S.-SARTHEBARI
DIST-BARPETA
ASSAM-781307

12: JYOTI PRASAD NATH
C/O SHRI KAMINI KUMAR NATH
R/O NARENGI BONDA (NEAR FOREST CAMP)
P.S.-NOONMATI
P.O.-BONDA
DIST-781026

13: RITALI TALUKDAR
S/O KISHORE TALUKDAR
R/O VILL-BAREIGAON
P.O. AND P.S.-TAMULPUR
DIST-BAKSA
ASSAM-781367

14: MANAS JYOTI BARMAN
S/O HAREN CH. BARMAN
R/O VILL-TATIKUCHI
P.O.-SONAFULLI
P.S.-SALBARI
DIST-BASKA-781318

15: SIDHARTH RAY
C/O SHRI MRINAL KANTI RAY
R/O VILL-SOUTH TOKRERCHARA PART-IV
P.O. AND P.S.-GALAKGANJ
DIST-DHUBRI-783334

16: KISHORE MAHANTA
S/O SHRI ABAINI MAHANTA
R/O HOUSE NO. 74
ANANDA NAGAR
DR. BHUPEN HAZARIKA ROAD
P.S. AND P.O.-NOONMATI
GUWAHATI
ASSAM-781020

17: PRAHLAD DAS
C/O PARAMA DAS
R/O VILL- NO-3 AMTALA
P.O.-KUKURMARA
P.S.-CHAIGAON
DIST-KAMRUP(R)

ASSAM-781130

18: KAKSHYAJIT BARUAH
C/O SHRI DIMBESWAR BARUAH
R/O VILL-LOZORA
P.O.-BORIGAON NO. 2
P.S.-SIPAJHAR
DIST-DARANG
ASSAM-78414

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, FISHERY DEPARTMENT, DISPUR, GUWAHATI-
781006

2:THE ADDITIONAL CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM
P.H.E
WATER RESOURCES AND IT DEPARTMENT
(CHAIRMAN OF THE ENQUIRY COMMITTEE) DISPUR
GUWAHATI-781006

3:THE ASSAM FISHERIES DEVELOPMENT CORPORATION LIMITED
(A GOVERNMENT OF ASSAM UNDERTAKING)
CHACHAL
VIP ROAD
GUWAHATI-781036
DIST-KAMRUP(M)
ASSAM
REPRESENTED BY ITS CHAIRMAN

4:THE MANAGING DIRECTOR
ASSAM FISHERIES DEVELOPMENT CORPORATION LIMITED
CHACHAL
VIP ROAD
GUWAHATI-781036
DIST-KAMRUP(M)
ASSA

Advocate for the Petitioner : MR. B D KONWAR SR. ADV.

Advocate for the Respondent : SC, AFDC

Linked Case : WP(C)/6401/2022

MANIKA DAS AND 10 ORS
W/O- SRI PRAMOD DAS
R/O- VILL- SAURAGURI
P.O. KACHUBARI
P.S. TAMULPUR
DIST.- BAKSA
ASSAM- 781368

2: MINU SINGHA
W/O- MR. NEERAJ MISHRA C/O- MR. K.P. SINGH
BALIJANA
P.O. AND P.S. AGIA
DIST.- GOALPARA
ASSAM- 783120
PH.- 9435106784

3: ARPANA DAS
D/O- SHRI TARANATH
R/O- VILL- BHAILLABARI
P.O. JAPIA
P.S. HAJO
DIST.- KAMRUP (R)
ASSAM- 781382

4: RUPJYOTI DEKA
S/O- SRI NAGEN CH. DEKA
R/O- VILL- MAJORKURI
P.O. RAMDIA
P.S. HAJO
DIST.- KAMRUP (R)
ASSAM- 781102

5: RACHANA MEDHI
D/O- KISHORI MAHAN MEDHI
R/O- VILL- GHANDAL
P.O. CHIPON CHILA
DIST.- BONGAIGAON
ASSAM- 783380

6: PRIYANKA DEVI
D/O- SRI HARI CHANDRA NATH
R/O- VILL- DOSOTANI
P.O. GARUKHUTI
P.S. SIPAJHAR
DIST.- DARRANG

ASSAM- 784145

7: ISRAFIL ALI
S/O- LT. RAMJAN ALI
R/O- VILL./TOWN DHANIA BHETI PATHAR
P.O. LALUNGGAON
P.S. BATADRAVA
DIST.- NAGAON
ASSAM- 782122

8: KHWMDWN NARZARY
S/O- LT. RAMA KT. NARZARY
R/O- VILL- KHAGRABARI
P.O. BONGAIGAON
DIST.- KOKRAJHAR
ASSAM- 783347

9: SIMANTA RAY
C/O- GOPAL CH. RAY
R/O- VILL- FOFANGA
P.O. BALBALA
DIST.- GOALPARA
ASSAM- 783120

10: ILAMANI NATH
C/O- SRI UDHAB NATH
R/O AND P.O. VILL- GAHIA
DIST.- BARPETA
ASSAM- 781311

11: THITUN KR. BRAHMA
S/O- SRI RAHENDRA NATH BRAHMA
R/O- VILL- GOYBARI
P.O. DOTMA
DIST.- KOKRAJHAR
ASSAM- 783347
VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM
FISHERY DEPTT.
DISPUR
GHY-06

2:THE ADDL. CHIEF SECY. TO THE GOVT OF ASSAM
PUBLIC HEALTH ENGINEERING
WATER RESOURCES AND IT DEPTT.
(CHAIRMAN OF THE ENQUIRY COMMITTEE) DISPUR

GHY-06
3:THE ASSAM FISHERIES DEVELOPMENT CORPORATION LTD.
(A GOVT. OF ASSAM UNDERTAKING) CHACHAL
VIP ROAD

GHY-36
DIST.- KAMRUP (M)
ASSAM
REP. BY ITS CHAIRMAN
4:THE MANAGING DIRECTOR

ASSAM FISHERIES DEVELOPMENT CORPORATION LTD.
CHACHAL
VIP ROAD

GHY-36
DIST.- KAMRUP (M)
ASSAM

Advocate for : MR. B D KONWAR SR. ADV.

Advocate for : SC

AFDC appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : WP(C)/5534/2022

HEMANTA HAZARIKA AND 14 ORS
SON OF LATE BENURAM HAZARIKA
RESIDENT OF MAHMARIA DAKARGHAT
DIST. NAGAON
ASSAM
PIN-782003.

2: SOURAV DEKA
SON OF SRI RABINDRA NARAYAN DEKA
RESIDENT OF VILL AND P.O. KAKAYA
DIST.-NALBARI
ASSAM
PIN-781304.

3: HAYEN KR. WARY
SON OF BANESWR WARY
RESIDENT OF VILL-AMINGAON CHARIALI
P.O. AMINGAON
DIST.-KAMRUP
ASSAM
PIN-783370.

4: BHAGYASHREE HAZARIKA
WIFE OF JOON BARUAH

RESIDENT OF HOUSE NO.16
NAMGHAR PATH
HATIGAON
GUWAHATI
DIST. KAMRUP(M)
PIN-781038.

5: DIPENDRA CH. BRAHMA

SON OF UPENDRA BRAHMA
RESIDENT OF KHARIDA SANDALA
P.O. FAKIRAGRAM
DIST. KOKRAJHAR
ASSAM
PIN-783345.

6: TARANI DEKA

SON OF LATE DAYARAM DEKA
RESIDENT OF BAGHARA (NASATRA)
P.O. NASATRA
DIST.-BARPETA
ASSAM
PIN-781307

7: YAHYA KHAN

SON OF MOULANA KIYAKAT ALI KHAN
RESIDENT OF BASKANDI PT-II
P.O. LAKHIPUR
CACHAR
ASSAM
PIN-788101.

8: NACHIM AKTAR MAZUMDER
SON OF NOOR AHMED MAZUMDER
RESIDENT OF DUDPUR
P.O. DUDPUR
DIST. CACHAR
ASSAM
PIN-788025.

9: KABITA HAZARIKA
WIFE OF BIRINCHI HAZARIKA
RESIDENT OF TETELICHARA
P.O. KAMPUR
DIST.-NAGAON
ASSAM

PIN-782426.

10: CHANDAN BARMAN
SON OF NARAYAN BARMAN
RESIDENT OF CHAMATA
DIST.- NALBARI
ASSAM
PIN-781306.

11: KUKIL DEKA
SON OF LATE DEBEN DEKA
RESIDENT OF PIPRAKUCHI
DIGHIRPAR
SIPAJHAR
DIST.-DARRANG
ASSAM
PIN-784144.

12: BALINDRA KUMAR HAZARIKA
SON OF DIBYA KUMAR HAZARIKA
RESIDENT OF FAUZDARIPATTY
B. BORAH ROAD
NAGAON
DIST.-NAGAON
ASSAM
PIN-782001.

13: JONALI DAS
WIFE OF BALEN DAS
RESIDENT OF SIKARHATI
P.O. PALASHBARI
DIST.-KAMRUP
ASSAM
PIN-781125.

14: NIKHIL BAISNAB
SON OF LATE KALICHARAN BAISNAB
RESIDENT OF GOBINDANAGAR
P.O. CHIRUKANDI
DIST.-CACHAR
ASSAM
PIN-783345.

15: ASHOK BARMAN
SON OF BIPLAB BARMAN
RESIDENT OF RAMPUR
BORKHULA
DIST.-CACHAR

ASSAM
PIN-788110.
VERSUS

THE STATE OF ASSAM AND 2 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM
FISHERY DEPTT.
DISPUR
GUWAHATI-06.

2:THE ASSAM FISHERY DEVELOPMENT CORPORATION

CHACHAL
VIP ROAD
GUWAHATI-781036 REP. BY THE MANAGING DIRECTOR.
3:THE MANAGING DIRECTOR

ASSAM FISHERY DEVELOPMENT CORPORATION
CHACHAL
VIP ROAD
GUWAHATI-781036.

Advocate for : MR. N J KHATANIAR
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 2 ORS

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 12-06-2023

Heard Mr. B.D. Konwar, learned Sr. counsel assisted by Ms. V.V. Thanyu, learned counsel appearing on behalf of the writ petitioners in W.P.(C) No. 5875/2022 and W.P.(C) No. 6401/2022. Mr. N.J. Khataniar, learned counsel has appeared on behalf of the writ petitioner in W.P.(C) No. 5534/2022. Mr. P. Nayak, learned counsel appearing on behalf of the learned Advocate General, Assam seeks posting of these matters again after 02 weeks so as to enable him to bring on record the stand of the department by filing a short affidavit including the facts in support of the submission that the relevant records are

presently in the custody of the CID. Mr. P. Sharmah, learned standing counsel, AFDC is also present and makes similar request seeking time to file affidavit.

In view of the above, let this matter be listed again on 27-07-2023.

In the meantime, affidavit on behalf of the respondents be positively brought on record.

JUDGE

GS

Comparing Assistant