

GAHC010214092025



2025:GAU-AS:13080-DB

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

Case No. : WA/302/2025

WEAKERMEN'S FISHERY CO OPERATIVE SOCIETY GOLAKGANJ ASSAM
REPRESENT BY ITS SECRETARY SRI SIBNARAYAN MAHATO, S/O- LATE
BUDHON MAHATO, AGED ABOUT . YEARS, VILL- SOUTH TOKRERCHARA,
PT-4, (WARD NO 5), P.S- GOLAKGANJ, DIST- DHUBRI (ASSAM) PIN 783334.

VERSUS

1: N F RAILWAY AND 4 ORS. REPRESENTED BY ITS GENERAL MANAGER,
MALIGAON, GUWAHATI- 781011.

2:THE DIVISIONAL MANAGER WORK
N.F RAILWAY ALIPURDUAR JUNCTION WEST BENGAL 736123.

3:THE SENIOR DIVISIONAL ENGINEER
ALIPURDUAR JUNCTION WEST BENGAL 736123.

4:THE ADDL DIVISIONAL ENGINEER
FAKIRGRAM JUNCTION NEW BONGAIGAON PIN- 783345.

5:ALOKESH ROY
S/O CHITTARANJAN PRADHAN R/O. VILL.- MORAKURA
P.S.- GOLAKGANJ DIST.- DHUBRI ASSAM PIN- 783334

For the Appellant(s) : Mr. S. Sahu, Advocate.

For the Respondent(s) : Mr. K. Gogoi, Standing Counsel, N.F. Railway for respondent Nos.1 to 4.

– **B E F O R E** –

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

22.09.2025

(Ashutosh Kumar, CJ)

We have heard Mr. S. Sahu, learned Advocate for the appellant and Mr.
K. Gogoi, learned Standing Counsel, N.F. Railway for respondent Nos.1 to 4.

The appellant is aggrieved by the impugned judgment dated 09.09.2025 passed by a learned Single Judge of this Court in WP(C) No.1868/2025, whereby its claim for the lease of two ponds of the Railways has been rejected.

The records reveal that the appellant was the licensee of two Railway ponds at Golakganj, which licence was given to it for 2(two) years. The licence was never renewed and the appellant/Cooperative Society continued to be in occupation of the two ponds for the last 23 years. It was only on 17.01.2025 that the two ponds in question were put to auction for settling it with the highest bidder.

The appellant as also the respondent No.5 participated in the bid, wherein the bid offer of respondent No.5 was approximately Rs.33,835/- more than the appellant. The respondent No.5 thereafter was issued the licence for the two ponds named above.

The learned counsel for the appellant has submitted that in accordance with the Indian Railways Works Manual, 2000, in case of any public auction of pond for lease of right of fishing, the first preference has to be given to a Fishermen's Cooperative Society formed by the Railwaymen. If no such Society exists, the second preference is to be given to other Fishermen's Cooperative Societies. If no such Society exists, then it could be let out to others by open public auction or open tender.

The appellant is not a Railway Cooperative Society but a Fisherman's Cooperative Society. The auction notice was never objected to and the appellant had participated in the same. Considering the higher bid price offered by the respondent No.5, the licence was given to it.

The contention of the appellant that he had a first right of preference is not justified as preference is in between the persons offering the same price in

the bid. Admittedly, the price offered by the respondent No.5 was more than what was offered by the appellant.

Apart from this, the contention of the appellant that a licensee from before has a first right of refusal is also of no help to the appellant as that provision of the Works Manual also gets attracted only when the two offers match so far as the price is concerned. Even otherwise, the appellant could not have been said to be in possession of the pond as the licensee because the original licence granted to it in the year 2002 was only for 2(two) years, which was never extended.

On these grounds, the objection of the appellant before the learned Single Judge, questioning the correctness of the decision of the respondent/Railways in settling the two ponds in favour of the respondent No.5, was rejected.

We also do not find any merit in the appeal and hence, the same is dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant