

GAHC010289102023



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

Case No. : I.A.(Civil)/111/2024

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 COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
FISHERY DEPARTMENT, 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 the Petitioner : MR. N J KHATANAR, P BORAH

Advocate for the Respondent : GA, ASSAM, SC, AFDC

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.

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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.

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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.

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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

Linked Case : 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-784147
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)
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)/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

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

31.07.2024

Shri P. Nayak, learned counsel appearing for the AFDC submits that the affidavit-in-opposition would be filed shortly and he prays for some time.

Shri N.J. Khataniar, learned counsel for the applicants- petitioners is present.

List these matters on 19.08.2024.

JUDGE

Comparing Assistant