

WP(C) 4142/2006

BEFORE

THE HON'BLE MR JUSTICE AFTAB H SAIKIA

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Heard Mr. A.K.Goswami, learned Sr. counsel assisted by Miss B.Sarma, learned counsel for the petitioner and also Mr. B.R.Das, learned State counsel representing the official respondents.

Also heard Mr. A.M.Mazumdar, learned Sr. Counsel assisted by Mr. M.Dutta, learned counsel representing the Respondent No.4.

In consideration of the impugned order dated 19.8.2006 passed by the Deputy Secretary to the Govt. of Assam, Fishery Department and as agreed to by the learned counsel for the parties, this writ petition stands closed with a direction to the writ petitioner to file an effective Representation before the competent authority i.e. the Commissioner & Secretary to the Govt. of Assam, Fisheries Department, Dispur, Guwahati-6, after serving a copy of the Representation to the learned Counsel Mr. M.Dutta representing the Respondent No.4, highlighting all the grievances narrated in this writ petition within a period of 10 days from to-day and on receipt of such Representation aforesaid, the competent authority shall consider and dispose of the same by passing a speaking order in accordance with law within a period of sixty days from the date of receipt of the said Representation.

Be it made clear herein that in disposing of the Representation within the time frame as indicated above, the Respondent No.4 shall be afforded reasonable opportunity of hearing.

In view of the above direction for reconsideration of the controversy raised as regards the settlement of the Upper Brahmaputra (Kamrup Guwahati) Fishery of Kamrup (Metro) District , (for short.'the Fishery'),the impugned order dated 19.8.06 stands quashed.

However, it is also made clear herein that till disposal of the Representation within the time frame as indicated above, the Respondent No.4 be permitted to run the Fishery but no fishing be permitted to the respondent No.4 beyond the period so indicated above.

This disposes of the writ petition.

JUDGE

Ad.