

WP(C) 2542/2009

BEFORE

HON'BLE MR. JUSTICE HRISHIKESH ROY

Heard Mr. T H Hazarika, learned counsel appearing for the petitioner. Also heard Ms. V L Sinha, learned Addl. Govt. Advocate who appears for all the respondents.

The petitioner was granted settlement of Jayhing Sand and Graval Mahal by the DFO, North Lakhimpur Division and the period of settlement is to expire on 2.7.2009. The petitioner filed an application for granting benefits under the provisions of Rule 21 (3) of the Assam Sale of Forest Produce Coupes and Mahals Rules, 1977 (hereinafter referred to as 'the Rules') and it is contended by Mr. Hazarika that without taking any decision on the said application filed by the lease holder, the Authorities have issued a fresh sale notice on 18.5.2009 and are also proceeding to make the settlement as the last date for giving offers was stipulated as 29.6.2009.

As the fresh process of making settlement has started, I am not inclined to pass any order staying the fresh settlement process, as the petitioner's term of settlement would be over on 2.7.2009. However, the petitioner at least has a right of consideration of his application on merit.

Accordingly, with the consent of the learned counsels appearing for the parties, this matter is disposed of by permitting the petitioner to file a fresh representation under the provisions of Rule 21 (3) of the Rules within 3 days from today i.e. 30th June 2009 and the same be considered and order on merit be passed thereon, within 2 weeks from today.

In view of this order, the settlement process initiated through sale notice dated 18.5.2009 in respect of Jayhing Sand and Graval Mahal by the DFO, North Lakhimpur Division shall not be made operational till 15.7.2009.

The writ petition is disposed of accordingly.