

WP(C) 4367/2016

BEFORE

HON'BLE MR JUSTICE ARUP KUMAR GOSWAMI

Heard Mr. N. C. Das, learned Senior counsel, appearing for the petitioner. Also heard Mr. S. B. Sarma, learned Standing counsel, Assam Fishery Development Corporation (AFDC), appearing for respondent Nos. 1 and 2, Mr. J. Handique, learned State counsel, appearing for respondent Nos. 3 and 4, and Mr. P. J. Phukan, learned Standing counsel, Pollution Control Board, appearing for respondent No. 5.

The challenge in this writ petition is a Show Cause notice dated 30.03.2016, issued by the Managing Director, AFDC. Prayer is also made by the petitioner to cause enquiry with regard to the grievance made by the petitioner in the representations dated 19.02.2016 and 24.02.2016.

By an order dated 17.05.2015, the petitioner was settled with Mer Logona Khona Fishery, in the district of Dibrugarh, for a period of seven years. The Show Cause notice (Annexure-7) was issued on the ground that the petitioner had not paid revenue in terms of the agreement executed by him with the AFDC. In the representations dated 19.02.2016 and 24.02.2016, the petitioner had alleged the water of the fishery is being polluted by effluent/waste products from the industry.

It is on the aforesaid count of filing of the representations the petitioner contends that the Show Cause notice dated 13.06.2016 is not sustainable in law.

Mr. S.B. Sarma, learned Standing counsel, AFDC, has submitted that, admittedly, the petitioner had not paid the revenue, as required, and, therefore, no interference is called for under writ jurisdiction. However, he submits that if the petitioner is desirous of filing reply to the Show Cause notice, he may do so within a period of ten days and, in the event of filing reply to the Show Cause notice, the authorities will consider the reply in accordance with law.

It is further stated by Mr. Sarma that if the petitioner files his reply to the Show Cause notice within ten days from today, no coercive action will be taken by the authorities against the petitioner till the Show Cause reply is considered.

In view of the above, it is considered appropriate to direct AFDC not to take any coercive action against the petitioner for a period of ten days from to-day. Writ petition stands disposed of in terms of the above.