



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

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No. 13 Dispur, Friday, 6th January, 2023, 16th Pausa, 1944 (S. E.)

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
FISHERY DEPARTMENT ::: DISPUR ::: GUWAHATI-6

NOTIFICATION

The 23rd December, 2022

No. FISH 31/2021/46 (eCF No. 210681).-

- Perused : The representations of M/S Mayong Hit Sadhini SS Ltd. dated 11.12.2020 & dated 9.5.2022.
- Perused : Govt. Order for settlement of 25/28/103/104 No. Dhipujijan, Garanga Garsag and Malia Group Fishery vide No. FISH 44/2021/397 dated 8.3.2021.
- Perused : Govt. order vide eCF No. 162922/1 dated 19.11.2022 for exclusion of Kanjulee Beel.
- Perused : Order of the Hon'ble High Court dated 26.9.2022 in WP© No. 628/2022 & dated 27.6.2022 in WP© No. 4208 /2022.
- Perused : The reports of ADC Morigaon vide No. MRF 1/2021/18 dated 23.5.2022 as per joint verification.
- Perused : The report of ADC, Kamrup (Metro), Guwahati vide No. KRM(M)/222/2021/28 dated 25.5.2022 with joint verification report.
- Perused : The opinion of L.R., Assam vide U.O dated 1.10.2022 16.11.2022 in File No. FISH 31/2021.

This is regarding status of 2 (Two) 60% Govt. Registered Fishery namely No 25/28/103/104 No. Dhipujijan, Garanga Garsag and Malia Group Fishery & No. 11 Part V Kalong Nadi Fishery presently under Morigaon district.

From the joint verification reports quoted above, it appears that both the fisheries are now partly in Morigaon District and partly in newly created Kamrup (Metro) District with areas comprising of old Kamrup district and Morigaon district.

There is a public demand for bifurcation of these fisheries with district jurisdiction. Preliminary joint survey have already been conducted by Revenue officials of both districts through concerned Revenue Circle Officer, Mayong & Chandrapur Revenue Circles.

From the reports under reference above, it appears that it is feasible to bifurcate each of the fishery into 2(Two) with district jurisdiction.

Whereas, No. 25/28/103/104 No. Dhipujijan, Garanga Garsag and Malia Group Fishery has already been settled through Tender system prior to proposal for bifurcation under Morigaon district vide Govt. order dated 8.3.2021 quoted above for a period of 7 years. Further there was another public demand to exclude a part of the said Fishery namely Kanjulee Beel from the main Fishery. The said matter has now been amicably settled on withdrawal of the Writ petition filed by the lessee of the fishery challenging the Govt. decision to exclude the area in the light of order of the Hon'ble High Court dated 26.9.2022 in WP© No.628/2022. and consequently, Govt. passed an order for exclusion of Kanjulee Beel from the main fishery namely No.25/28/103/104 No. Dhipujijan, Garanga Garsag and Malia Group Fishery vide order No. eCF No.162922/1 dated 19.11.2022,

In respect of other fishery namely, No.11 Part V Kalong Nadi Fishery, the process for settlement of the Fishery has already been completed with issue of settlement order dated 17.6.2022, but said order could not be given effect to in view of interim order of the Hon'ble High Court dated 27.6.2022 in WP(C) No.4208/2022 and consequently the earlier stop gap arrangement of running the fishery on daily basis is continuing. But in the latest interim order dated 21.12.2022 in WP© No.4463/2022 and a bunch of revealed cases including WP© No. 4208/2022 under reference above, the Hon'ble High Court has direct the official Respondent to ensure that there is no any fishing activities by Third Party. In view of above the daily basis order of running the fishery by existing lessee is being withdrawn with immediate effect

The entire matter was referred to Legal Remembrancer, Assam who has opined that at present there is no legal impediment to go ahead with the proposal for bifurcation of No 25/28/103/104 No Dhipujijan, Garanga Garsag and Malia Group Fishery with district wise jurisdiction with completion of formalities like demarcation of boundaries and publication of Notification thereof through Revenue & DM Department subject to the condition that said Notification will be effective on completion of tenure of settlement of 7 years of the fishery in terms of Govt. order dated 8.3.2021.

As regards process of bifurcation of No.11 Part V Kalong Nadi Fishery, the Legal Remembrancer, Assam advised vide U.O. dated 1.10.2022 that since there is a status quo order dated 27.6.2022 in WP© No. 4208/2022, hence to proceed with the matter after

obtaining leave/permission of the Hon'ble High Court. The matter is being taken up accordingly with Senior Govt. Advocate Assam vide letter No.FISH 31/2021 /47(eCF No. 210681) Dated 20th December 2022 for filing Leave/Interlocutory Application in WP© 4208/2022. As such , the process of bifurcation of said fishery will be initiated after receipt of such permission /Leave of the Hon'ble High Court.

Consequently, DC, Morigaon & Kamrup(Metro) districts are hereby directed to take steps for joint verification of areas of No.25/28/103/104 No.Dhipujijan , Garanga, Garsag and Malia Group Fishery and prepare 2 (Two) proposals as shown below:

i) Existing Fishery with areas falling within Morigaon district with exclusion of areas falling within Kamrup(Metro) district with boundary demarcation will be prepared by DC , Morigaon with endorsement of DC, Kamrup (Metro), Guwahati and submit proposal to Govt in Fishery Department for further follow up action including publication of Notification with redefined boundary , if necessary with a new nomenclature.

ii) Similarly, DC , Kamrup (Metro) will prepare a proposal for creation of a new fishery from the areas curved out of existing fishery in Morigaon district falling within Kamrup(Metro) district with a new nomenclature with areas as per boundary demarcation duly endorsed by DC, Morigaon and submit the new proposal to Govt. in Fishery Department for further necessary action including publication of Notification through Revenue & DM Department for creation of a new fishery under Kamrup (Metro) District.

This order is issued with approval of Competent Authority of Govt. in Fishery Department on behalf of Governor of Assam.

RAKESH KUMAR,

Commissioner and Secretary to the Government of Assam,
Fishery Department.