

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.133 of 2012

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1. Arun Kumar Singh Son of Late Ram Udit Singh Resident of Village :
Begampur, P.O. & P.S. : Nalanda, District Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Patna Division, Patna
3. The Collector, Nalanda at Biharsharif
4. The Additional Collector (Settlement), Nalanda at Biharsharif
5. The Additional Collector, Land Reforms, Nalanda at Biharsharif
6. The District Fisheries Officer-Cum-Chief Executive Officer, Nalanda at
Biharsharif
7. The Circle Officer, Noorsarai, District Nalanda

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amar Nath Singh, Adv.
For the Respondent/s : Mr. Sanjay Kr No.2, GA-5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 23-07-2015 Mr. Bhanu Pratap Singh learned counsel for the petitioner.

None appears on behalf of the State.

The claim of the petitioner for remission of the settlement amount in respect of the Jalkars in question for the period 2004-05 has been rejected by the District Fisheries Officer-cum-Chief Executive Officer, Nalanda at Biharsharif inter alia on grounds that it does not accompany a certificate to support of his claim of suffering natural calamity in the form of drought, as mandated under Section 12(iii) of the Bihar Fish Jalkar Management Act, 2006 (hereinafter referred to as 'the Act').

The provisions underlying Section 12 of 'the Act' requires



completion of certain formalities and a claim for remission on grounds of natural calamities mentioned therein has to be accompanied with supportive documents as mandated under Section 12(iii) of 'the Act'. Since there is no dispute that the certificate supporting the plea of drought as advanced by the petitioner was not enclosed with his claim that the District Fisheries Officer-cum-Chief Executive Officer, Nalanda vide order dated 10.12.2008 has rejected his remission application which cannot be faulted with. The writ petition is thus disposed of with liberty to the petitioner to file an appropriate application after enclosing necessary documents/ certificates.

It goes without saying that since the claim of the petitioner has been rejected only on grounds of absence of supportive documents as mandated under Section 12 of the 'Act' hence in case a fresh application for remission is filed by the petitioner together with supportive documents, the same would be considered and disposed of on its own merits and in accordance with law.

(Jyoti Saran, J)

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