

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9606 of 2012

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Rishikesh Kashyap S/O Shree Jeebachh Pd. Sahani, Chairman of Bihar Prantiya Matasyjeevi Swablambi Sahakari Parishang Ltd., At 1st Floor, Meen Bhawan, West Boring Road, Patna-23

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary
2. The Cabinet Secretary, Bihar Government, Patna
3. The Principal Secretary, Animal and Fish Resources Department, Bihar, Patna
4. The Principal Secretary, Human Resources Department, Bihar, Patna
5. The Principal Secretary, Water Resources Department, Bihar, Patna
6. The Principal Secretary, Forest And Environment Department, Bihar, Patna
7. The Principal Secretary, Urban Development Department, Bihar, Patna
8. The Principal Secretary, Rural Development Department, Bihar, Patna
9. The Principal Secretary, Panchayati Raj Department, Bihar, Patna
10. The Principal Secretary, Public Health Development Department, Bihar, Patna
11. The Principal Secretary, Public Welfare Development Department, Bihar, Patna
12. The Principal Secretary, Revenue and Land Reforms Development Department, Bihar, Patna
13. The Director, Fisheries, Bihar, Patna
14. Union of India through the Fisheries Development Commissioner, Department of Agriculture and Co-Operation, Govt. of India, Krishi Bhawan, Dr. Rajendar Pd. Road, New Delhi - 110001
15. The Chairman, Central Board Of Fisheries (CIF), Delhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Mahasweta Chatterjee
For the Respondent No.1 to 13: Mr. Ratna Deep Prasad, AC to AAG-XI

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 01-12-2015 Heard the parties.

The petitioner, claiming to be the Chairman of Bihar Prantiya Matasyjeevi Swablambi Sahakari Parishang Ltd., an unregistered society/ union, has filed the present writ petition for a direction to the respondents to take necessary decision to transfer all the jalkars under the respondent no. 4 to 12 to the Fisheries department.

In the present matter, a counter-affidavit has been filed on behalf of the respondents, duly sworn by the Joint Director, Department of Fisheries, where in paragraph-8 it has been stated that 30,790 jalkars have duly been transferred to the Fisheries department by the Revenue department, which are being settled in favour of the private individuals/ societies as per the existing law. The copy of the aforesaid counter-affidavit was served upon the learned counsel appearing on behalf of the petitioner on 21.01.2014, yet facts stated therein have not been controverted by the petitioner.

This matter was taken up for consideration on merit on 05.10.2015 when, on the request of the learned counsel appearing on behalf of the petitioner, the matter was adjourned for four weeks enabling her to file a rejoinder affidavit to the aforesaid counter-affidavit. When the matter has been taken up today, learned counsel appearing on behalf of the petitioner has fairly conceded that no rejoinder affidavit has been filed on behalf of the petitioner despite the aforesaid indulgence granted by this Court.

From the facts noticed above, it is apparent that the present writ petition has become infructuous as the jalkars in question have already been transferred to the department of Fisheries by the department of Revenue, Government of Bihar. Hence, the present writ petition is devoid of merit and is, accordingly, dismissed, but without costs.

(Birendra Prasad Verma, J)

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