

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22459 of 2013

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Phoolmati Devi wife of Gopal Sahani, resident of Village and Post -
Kathaiya, Police Station - Majholiya, District - West Champaran
..... Petitioner/s

Versus

1. The State of Bihar through the Director, Department of Fishery,
Government of Bihar, Patna
2. The District Magistrate, West Champaran, Bettiah
3. The District Fishery Officer - Cum - Chief Executive Officer, West
Champaran, Bettiah
4. The Sub - Divisional Officer, West Champaran, Bettiah
5. The Circle Officer, Majholiya, District - West Champaran, Bettiah
..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Respondent/s : Mr. Prashant Kumar, AC to GP 8

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 21-12-2015

Heard the parties.

Though this writ petition was filed on 11.11.2013, yet despite passage of more than two years, counter affidavit has not been filed by the learned State counsel on behalf of the respondents disputing the averments made in the present writ petition.

In above view of the matter and in view of the nature of claims raised on behalf of the petitioner in paragraph 1 of the writ petition as also in view of the letter dated 02.05.2013 issued by the respondent District Fishery Officer-cum-Chief Executive Officer, West Champaran, Bettiah, as contained in Annexure-12, this Court is of the opinion that instead of keeping the matter pending before this Court awaiting a counter affidavit on behalf of the respondents, the interest of justice shall be subserved if the petitioner is granted liberty to file a fresh comprehensive representation before the respondent Director of Fishery, Bihar,

Patna with all supporting documents raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

If such a fresh comprehensive representation is filed on behalf of the petitioner within a period of one month from today with a certified copy of the present order, then the Director of Fishery, Bihar, Patna shall be obliged to consider and decide the claims of the petitioner, after giving opportunity of hearing to all concerned including the petitioner, by a reasoned and speaking order at an early date preferably within a period of three months from the date of filing of the representation by the petitioner in the manner indicated above.

If on consideration of the materials and after hearing the parties, the respondent Director of Fishery, Bihar, Patna comes to a conclusion that the claims raised on behalf of the petitioner are admissible to her, then consequential orders shall also be issued for grant of such admissible claims to her.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner and this is left to be decided by the respondent Director of Fishery, Bihar, Patna strictly in accordance with law.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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