

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7964 of 2015

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Bipat Sahni, Son of Late Parsan Sahni, Resident of Village- Chaklal Sahi,
P.S.- Tajpur Halai, District- Samasipur, Chairman Matsya Jeevi Sahyog
Samiti Ltd, Morwa, Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Animal Husbandry & Fisheries Department, Government of Bihar, Patna.
2. The Principal Secretary Co-operative Department, Government of Bihar, Patna.
3. The Director, Fisheries, Government of Bihar, Patna.
4. The Registrar, Co-operative Societies, Government of Bihar.
5. The District Magistrate, Samastipur.
6. The District Fisheries Officer-Cum-Chief Executive Officer, Samastipur.
7. The Dy. Director, Fisheries Officer, Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Adv.
Mr. Binay Kumar, Adv.

For the Respondent/s : Mr. Ranjeet Kumar Pandey, AC to GP-23

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 04-12-2015

Heard the parties.

The petitioner is aggrieved by the order/communication dated 23.09.2013 (Annexure-6) issued by the respondent District Fishery Officer-cum-Chief Executive Officer, Samastipur, whereby short term settlement of Jalkars made in favour of the petitioner has been cancelled on the ground of non-deposit of revenue/installment(s) within time.

Indisputably, against the impugned order/communication dated 23.09.2013, the petitioner has statutory alternative remedy before the Divisional Commissioner in view of the provisions contained in Section 14 of The Bihar Fish Jalkar Management Act, 2006.

Besides that, the learned State counsel appearing on

behalf of the respondents submits that, now, Jalkars in question have freshly been settled in favour of other persons, but the settlees have not been impleaded as party respondent; therefore, according to him, the writ petition is liable to be dismissed on that ground alone.

In view of the fact that the petitioner has an alternative statutory remedy before the Divisional Commissioner and the subsequent settlees have not been impleaded as party respondents in the present case, this Court is not inclined to interfere with the impugned order at this stage. However, a liberty is granted to the petitioner to approach the appellate authority, after impleading all the necessary parties, for grant of appropriate relief(s) for the Jalkars in question.

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

(Birendra Prasad Verma, J)

Arvind/-

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